

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday February 25, 2021, 1:41 p.m.

held remotely via video-conference

The Majority Leader (Council Member Cumbo)

presiding as the Acting President Pro Tempore

Council Members

Corey D. Johnson, *Speaker*

| | | |
|-------------------------|---------------------|----------------------|
| Alicka Ampry-Samuel | Mark Gjonaj | Kevin C. Riley |
| Diana Ayala | Barry S. Grodenchik | Carlina Rivera |
| Inez D. Barron | Robert F. Holden | Ydanis A. Rodriguez |
| Joseph C. Borelli | Ben Kallos | Deborah L. Rose |
| Justin L. Brannan | Peter A. Koo | Helen K. Rosenthal |
| Fernando Cabrera | Karen Koslowitz | Rafael Salamanca, Jr |
| Margaret S. Chin | Bradford S. Lander | Mark Treyger |
| Costa G. Constantinides | Stephen T. Levin | Eric A. Ulrich |
| Robert E. Cornegy, Jr | Mark D. Levine | Paul A. Vallone |
| Laurie A. Cumbo | Farah N. Louis | James G. Van Bramer |
| Chaim M. Deutsch | Alan N. Maisel | Kalman Yeger |
| Darma V. Diaz | Steven Matteo | |
| Ruben Diaz, Sr. | Carlos Menchaca | |
| Daniel Dromm | I. Daneek Miller | |
| Mathieu Eugene | Francisco P. Moya | |
| James F. Gennaro | Keith Powers | |
| Vanessa L. Gibson | Antonio Reynoso | |

Absent: Council Member Perkins;

Bereavement Leave: Council Member Adams.

At the time of this virtual Stated Meeting, there were three vacant seats in the Council pending the swearing in of the certified winners of the special non-partisan elections held on these dates: February 23, 2021 in the 31st District (Queens); March 23, 2021 in the 11th and 15th Districts (The Bronx).

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual proceedings. Following the gaveling-in of the Meeting and the recitation of the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo).

There were 46 Council Members marked present for this virtual Stated Meeting.

INVOCATION

The Invocation was delivered by Rev. Dr. Kelly U. Farrow, spiritual leader of the Convent Ave Baptist Church, located at 420 Convent Avenue, New York, N.Y. 10031.

Thank you, everyone.
Can you join with me in a word of prayer?

Dear God, we come today
with petitions on our hearts and minds.
We come asking you to hear our prayers,
our desires, our joys, our hurts, and despairs.
Sometimes, as black people, we wonder if you hear us.
We wonder if you will be the Lord that will deliver us;
but we think back on the liberation of our ancestors,
and how you crushed their enemies
and removed them from danger seen and unseen;
and we know we have a God who is our protector
and remember, you are a deliverer of your people,
and a liberator of the oppressed.
So, we come today in the background
of what you did yesterday,
knowing your power is fully at work today,
and we see how you work
in and out of time into tomorrow.
We come asking you to heal our land,
add a soothing balm to the wounds of our hearts
and deliver us this day from the hands of injustice.
Revive our joy, Oh God, restore our love
and reconcile a kinder nature
toward you and toward our neighbor.
Teach us how to love as you love,
show us how to forgive as you have forgiven,
and direct us into the truth of who you are
in justice, faith and resilience.
Lord, we love you.
We know we need you.
We need your guidance,
we need your wisdom, and we need your protection.
Lord, you are our high place.
You are our citadel and we look to you

to lead us and guide us along the way.
The hymns teach us
great is thy faithfulness, for you fail us not.
We thank you Lord for the goodness
you have given us in this life
and the blessings we will have
when we meet you in glory.
We thank you Lord and we are grateful
for your loving kindness towards us.
We know there is none like you
in the heavens or in the Earth,
and we, your people, remember
as our parents have taught us, as the ages has taught us,
that you will never leave us, nor forsake us,
and for that, again, we say thank you.
Oh Lord, you are the ancient of days.
You are time itself,
and we, your creation, honor you today.
Thank you for breathing life into us
and giving our lives purpose and honor.
Teach us how to walk worthy of that purpose and honor,
and displays in faithfulness, kindness,
love and justice towards all people.
Most of all, thank you for our salvation that rests fully
and entirely in the person of Jesus Christ.
Now to the one who is able to keep us from falling,
to the only wise God, be glory, power, and dominion
now and forever more,
Amen.

Council Member Levine moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths in New York City had reached 29,860 as of February 24, 2021. He also noted, that as of that week, a total of a half-million Americans had died of COVID-19 since the pandemic began. He acknowledged that hard work was needed to vaccinate more New Yorkers and to help the city recover from the virus.

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of a number of individuals listed below.

Two more New Yorkers recently lost their lives during the course of their employment: Joseph Rosa, 25, an elevator mechanic, who was killed in a Bronx elevator accident on February 18, 2021; and Donte Thomas, 33, a deli worker, who was shot and killed on February 16, 2021 in the Bronx deli where he was employed.

Seven more first responders recently died of 9/11-related illnesses: retired NYPD Detective and religious cult expert Marcus Quinones, 65; NYPD Police Officer Nicholas Purpero, 48; NYPD Sgt. Adrian M. Rodriguez, 55; NYPD Police Officer Terence P. Connelly, 47, of the 112th Precinct in Queens; retired FDNY-EMS Lt. Paige Humphries; Fire Patrolman Robert Renode, 67, of the New York City Fire Patrol; and Barry Delise, 57, of the New York City Department of Sanitation.

The Speaker (Council Member Johnson) also acknowledged two deaths in the Council family: Council Member Rose's long-time life companion Emanuel "Max" Braxton and Council Member Adams's mother Ruth Prioleau Middleton. Mr. Braxton passed away on February 14, 2021 at the age of 79. He is survived by his sister Dorothy Lee Green, sons Emanuel Braxton, Jr. and Emiri Braxton, daughter Shannah Braxton, and Shannah's sister Kelly Haroldson. The Speaker (Council Member Johnson) described Mr. Braxton as a devoted supporter of Council Member Rose and spoke of their forty years together. On behalf of the Council, he offered his condolences to Mr. Braxton's friends and family and to Council Member Rose and her family. Ms. Middleton, a retired New York City Corrections captain, had died in the early morning hours of February 25, 2021 at the age of 82. The Speaker (Council Member Johnson) spoke of Council Member Adams's extreme closeness to her mother whom she described as her best friend. He noted that it had been a difficult year for their family -- Council Member Adams's father had passed away in May 2020 due to COVID-19. On behalf of the Council, the Speaker (Council Member Johnson) offered his condolences to Council Member Adams, her husband Jay, and the rest of the family.

The Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the individuals named above and in memory of those who had lost their lives to COVID-19. On behalf of the Council, the Speaker (Council Member Johnson) also wished to send his condolences to all of the families and friends of the aforementioned deceased individuals.

At this point, a Moment of Silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Lander moved that the Minutes of the Stated Meeting of January 28, 2021 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-287

Communication from the Board of Elections - Submitting the Certification of Election of James F. Gennaro, as the new Council Member of the 24th Councilmanic District, Queens.

(For text of the New York City Board of Elections Certification for the General Election held on February 2, 2021 in the 24th Council District in Queens, please refer to the attachment section of [the M-287 of 2021 file](https://council.nyc.gov) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Received, Ordered, Printed and Filed.

Preconsidered M-288

Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2021 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-3).

February 12, 2021

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2021 to implement changes in the City's expense budget.

This modification (MN-3) will implement expense budget changes which were reflected in the City's January's Financial Plan. In addition, as requested by the City Council, this modification reflects the following: funding for the reallocation of City Council initiatives that were included in the FY 2021 Adopted Budget as well as other discretionary programs and a transfer of Community Lien Sale Outreach funds from the Department of Finance to the Department of Housing Preservation and Development.

Appendix A details State, Federal and other funds impacted by these changes.

Your approval of modification MN-3 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.
Director

(For text of the MN-3 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov> for the respective attachments section of [the M-288 & Res. No. 1548 of 2021 files](#))

Referred to the Committee on Finance.

Preconsidered M-289

Communication from the Office of Management & Budget - Appropriation of new City revenues in Fiscal Year 2021, pursuant to Section 107(e) of the New York City Charter (MN-4).

February 12, 2021

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new City revenues in fiscal year 2021 in the amount of \$1.89 billion.

This modification (MN-4) implements revenue budget changes reflected in the City's January Financial Plan. The \$1.89 billion of new revenues combined with additional resources of \$421 million of Prior Year Payables, and an adjustment to the General Reserve, will be used to prepay \$2.73 billion of fiscal year 2022 expenses in fiscal year 2021.

Your approval of modification MN-4 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.
Director

(For text of the MN-4 numbers, please see the New York City Council website at <https://council.nyc.gov> for the respective attachments section of [the M-289 & Res. No. 1549 of 2021 files](#))

Referred to the Committee on Finance.

M-290

Communication from the New York City Public Advocate - Withdrawing the name of Celia “Cea” Weaver (M-285) from consideration at this time for her appointment as a member of the New York City Planning Commission.

February 12, 2021

Speaker Corey Johnson
New York City Council
City Hall
New York, NY 10007

RE: Appointment to the City Planning Commission

Dear Speaker Johnson:

As per my previous January 5, 2021 letter recommending Ms. Cea Weaver for appointment to the New York City Planning Commission, I hereby ask the City Council to withdraw her name for consideration at this time.

For further information, your staff may contact my office through Casie Addison, Legislative Director, at caddison@advocate.nyc.gov, and Michael Twomey, Esq., Deputy General Counsel, at mtwomey@advocate.nyc.gov.

Sincerely,

Jumaane Williams
Public Advocate for the City of New York

Cc: Mayor Bill DeBlasio
Council Member Karen Koslowitz, Chair - Committee on Rules, Privileges and Elections

Received, Ordered, Printed and Filed.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 2225-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law in relation to the establishment of a plan for COVID-19 vaccination of homebound seniors, reporting on such plan, and providing for the repeal of such provisions upon the expiration thereof.

The Committee on Aging, to which the annexed proposed amended local law was referred on February 11, 2021 (Minutes, page 236), respectfully

REPORTS:

I. INTRODUCTION

On February 25, 2021, the Committee on Aging, chaired by Council Member Margaret Chin, will hold a vote on *Proposed Int. No. 2225-A*, sponsored by Council Member Mark Treyger. The legislation would establish a COVID-19 vaccination plan for homebound seniors.

This legislation was originally heard on February 17, 2021 at a joint hearing held by the Committees on Health, Aging, and Technology, on the topic of *COVID-19 and Seniors: Addressing Equity, Access to the Vaccine, and Scheduling Vaccination Appointments Online in NYC*. During the hearing, the Committees heard four pieces of legislation related to COVID-19 vaccinations and health and received testimony from representatives from the New York City Department of Health and Mental Hygiene (DOHMH), the Department for the Aging (DFTA), advocates, and other interested parties.

II. BACKGROUND

a. *COVID-19 Background*

In late 2019, a novel coronavirus, called SARS-CoV-2, first emerged and spread rapidly around the world, resulting in a global pandemic.¹ As of February 16, 2021, there have been over 109 million confirmed cases of COVID-19, the disease caused by SARS-CoV-2, and over 2.4 million deaths worldwide, including more than 28.3 million cases and close to 500,000 deaths in the United States alone.² New York State (NYS) and New York City (NYC) have been hit particularly hard by this pandemic. As of February 16, 2021, there have been more than 1.5 million confirmed cases³ and more than 37,300 deaths in the State,⁴ including more than 675,000 cases, 23,372 confirmed deaths, and 5,056 probable deaths in New York City.⁵

COVID-19 presents a wide range of symptoms, ranging from mild symptoms to severe illness.⁶ Symptoms include fever or chills, cough, shortness of breath, difficulty breathing, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion, runny nose, nausea, vomiting, and diarrhea.⁷ Some

¹ Axios, "The COVID-19 Tracker." Accessed at: <https://www.statnews.com/feature/coronavirus/covid-19-tracker/>.

² Worldometer, "COVID-19 Coronavirus Pandemic." Accessed at: <https://www.worldometers.info/coronavirus/>.

³ NYS DOH COVID-19 Tracker, "Persons Tested Positive by County." Accessed at: <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>.

⁴ New York State Department of Health COVID-19 Tracker, "Fatalities." Accessed at: <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>.

⁵ New York City Department of Health and Mental Hygiene, "COVID-19: Data." Accessed at: <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>.

⁶ Centers for Disease Control and Prevention, "Symptoms of Coronavirus," May 13, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

⁷ *Id.*

people are at increased risk of developing severe COVID-19 symptoms and dying from the virus, including older adults and those with certain underlying medical conditions,⁸ such as cancer, chronic kidney disease, heart conditions, obesity, and type 2 diabetes.⁹ Other groups that should take extra precautions include people who are racial and/or ethnic minorities, individuals with disabilities, those with developmental and behavioral disorders, individuals with drug use or substance use disorder, those who are pregnant or breastfeeding, individuals living in rural communities, and those experiencing homelessness.¹⁰ Studies have found that individuals with intellectual disabilities and developmental disorders are at particular risk, with a COVID-19 fatality rate three times as high as the rate amongst those without intellectual and developmental disabilities.¹¹

III. IMPACT ON SENIORS' HEALTH

a. NYC Seniors and COVID-19 Data

COVID-19 has disproportionately impacted New York City's senior population. The rate of COVID-19 hospitalizations and deaths are drastically higher for those over the age of 75 compared to all other age groups, and those aged 65-74 are also at increased risk.¹² As of February 16, 2021, the rate of hospitalizations for COVID-19 was 4,322.93 per 100,000 people for those 75 years and older.¹³ For those aged 65-74, the rate is 2,589.33 per 100,000.¹⁴ The Citywide average rate is 1,026.25 per 100,000.¹⁵ Therefore, those 75 years and older are over four times more likely to be hospitalized with COVID than the City average, and those aged 65-74 are more than two and a half times more likely.¹⁶

The rate of COVID-19 related death among this population is even more stark. As of February 16, 2021, for those aged 75 and older, the rate of death from COVID-19 is 2,102.53 per 100,000.¹⁷ This is approximately seven and a half times higher than the Citywide average, which is 280.35 per 100,000.¹⁸ The rate of death for those aged 65-74 is 795.78, about three times the Citywide average.¹⁹ Of the 28,277 confirmed and probable COVID-19 deaths in NYC with known data, 14,472 were individuals 75 years and older.²⁰ This is roughly half of all deaths in the City.²¹ Those 65-74 years old accounted for 6,758 deaths.²²

Additionally, hospitalizations and deaths resulting from COVID-19 infection also disproportionately impact those who are lower income, Black, and Latinx.²³ Residents of neighborhoods with 30 percent or more households living below the poverty line were more than twice as likely to become hospitalized or die from COVID-19 as those living in neighborhoods with under 10 percent of households living in poverty.²⁴ According to data from DOHMH, New York City residents who are Black are 1.84 times more likely to be hospitalized for COVID-19 compared to white residents, and are 1.74 times more likely to die.²⁵ New York

⁸ Centers for Disease Control and Prevention, "People at Increased Risk and Other People Who Need to Take Extra Precautions," September 11, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.

⁹ Centers for Disease Control and Prevention, "People with Certain Medical Conditions," October 6, 2020. Accessed at: https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html.

¹⁰ Centers for Disease Control and Prevention, "People at Increased Risk and Other People Who Need to Take Extra Precautions," September 11, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.

¹¹ "Developmental Disabilities Heighten Risk of Covid Death," NY Times, Nov. 10, 2020, available at <https://www.nytimes.com/2020/11/10/health/covid-developmental-disabilities.html>.

¹² NYC DOHMH, *COVID-19: Data Tools*, available at <https://www1.nyc.gov/site/doh/covid/covid-19-data-totals.page>

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

City residents who are Latinx die from COVID-19 at 1.91 times the rate of white residents, and about two times as likely to be hospitalized.²⁶

New Yorkers with intersecting identities, such as those who are older, Black, Latinx, and living with underlying health conditions, are at increased risk for severe COVID-19 complications and death.²⁷ For all age groups, including those 75 and older, the rate of death was highest for those who are Black and Latinx.²⁸ The rate of death per 100,000 people for those 75 years and older is 1,427.42 for those who are Asian/Pacific-Islanders, 1,733.54 for those who are white, 2,284.84 for those who are Black, and 2,478.34 for those who are Latinx.²⁹ The highest rate of death for those 65 years and older is in the Bronx.³⁰ Of the 11,808 individuals 75 years and older who have died, 9,669 (about 82 percent) had known underlying illnesses, including lung disease, asthma, heart disease, a weakened immune system, obesity, diabetes, kidney disease, liver disease, and cancer.³¹ Of those aged 65-74, 4,885 out of 5,720 (or about 85 percent of) individuals had known underlying conditions.³² It is very likely that more had underlying conditions, given the number of cases pending.³³

b. *Impact on Seniors' Health*

In March 2020, the rapid spread of the SARS-CoV-2 virus required New York City to restrict in-person gatherings. To help control the spread of the virus, the City shut down physical operation of Department for the Aging senior centers in March 2020 and switched congregate meal operations to home delivered meals.³⁴ The consequences of the pandemic and the switch in service has impacted the older adult population even as the city has entered phased re-opening: older adults have been disproportionately affected by food insecurity and social isolation and the disruption of their daily lives has been exacerbated by the extended closures to in-person resources such as senior centers, libraries, and settlement houses, as well as the restricted re-opening of restaurants and houses of worship.³⁵

At the height of the pandemic, communicating basic information about the virus in New York City was difficult, especially for those who have limited English proficiency and were cut off from their families due to social distancing guidance.³⁶ Furthermore, the digital divide made accessing information more difficult and has increased social isolation, as 50 percent of older New Yorkers live alone and 42 percent do not have broadband Internet access.³⁷ Food insecurity was also exacerbated during the pandemic, as senior centers and food pantries physically closed and meal delivery to older adults became a key concern.³⁸ According to a study done by FoodBank NYC, prior to the pandemic one in 10 older New Yorkers was food insecure, but that number has now soared to one in five.³⁹ In fact, since March, Citymeals, which many older adults rely on for food, has delivered 2.5 million meals to homebound New York older adults—an increase of 64 percent over the prior year.⁴⁰

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ See Yoav Gonen and Christine Chung, *Food Czar To Oversee Meal Delivery for Elderly After Early Stumbles*, THE CITY, Apr. 15, 2020, <https://www.thecity.nyc/life/2020/4/15/21247114/food-czar-to-oversee-meal-delivery-for-elderly-after-early-stumbles>.

³⁵ Erin Garnett, et al., *Supporting Older Adults Through Coronavirus: Ideas from Experts and Leaders Across NYC*, CENTER FOR URBAN FUTURE (Apr. 2020), <https://nycfuture.org/research/supporting-older-adults-through-coronavirus>.

³⁶ *Coronavirus intensifies existing issues for older immigrants*, AMERICAN HEART ASSOCIATION NEWS, Apr. 28, 2020, <https://www.heart.org/en/news/2020/04/28/coronavirus-intensifies-existing-issues-for-older-immigrants>.

³⁷ Elana Kieffer, *Beyond Age, Race & Income: Sociodemographic Factors to Track During COVID-19*, NATIONAL COUNCIL ON AGING, May 22, 2020, <https://www.ncoa.org/blog/beyond-age-race-income-sociodemographic-factors-to-track-during-covid-19/>.

³⁸ Kate Kirker, *40 Suggestions to Help Especially Vulnerable Seniors During Coronavirus Crisis: Report*, GOTHAM GAZETTE, Apr. 17, 2020, <https://www.gothamgazette.com/city/9320-suggestions-to-help-especially-vulnerable-seniors-during-coronavirus-crisis-new-york>; Chelsia Rose Marcus, *'A panic for food': How the COVID-19 pandemic has impacted NYC's hungry*, NEW YORK DAILY NEWS, Oct. 4, 2020, <https://www.nydailynews.com/new-york/ny-covid-nyc-hungry-need-food-20201005-74ukp32w4fcihckkuciu7t6fq-story.html>.

³⁹ *Id.*

⁴⁰ *Id.*

Older adults have additionally experienced declines in their mental, physical, and cognitive health as a result of isolation, becoming homebound, and disruption to their daily life.⁴¹ According to the Centers for Disease Control (CDC), loneliness and isolation are serious health risks in older adults in the following ways:

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- Social isolation significantly increases a person’s risk of premature death from all causes, a risk that may rival those of smoking, obesity, and physical inactivity;
- Social isolation was associated with about a 50% percent increased risk of dementia;
- Poor social relationships (characterized by social isolation or loneliness) was associated with a 29% increased risk of heart disease and a 32% increased risk of stroke;
- Loneliness was associated with higher rates of depression, anxiety, and suicide, as well as high blood pressure, heart disease, obesity, and a weakened immune system;
- Loneliness among heart failure patients was associated with a nearly 4 times increased risk of death, 68% increased risk of hospitalization, and 57% increased risk of emergency department visits.⁴³

The above is particularly concerning as older adults seem to suffer severe health outcomes from both contracting COVID-19, and from being isolated to avoid contracting COVID-19.⁴⁴ In fact, a recent study showed that as a result of both the COVID-19 infection and COVID-induced isolation, different neuropsychiatric symptoms emerged and/or worsened in older adults with and without dementia.⁴⁵

Finally, COVID-induced isolation has caused many older adults to effectively become homebound by disrupting the daily activities in which they had previously been engaged. In some older adults, this has caused an acceleration into physical frailty, a decline in mobility, poor sleep quality, and physical inactivity.⁴⁶ Many of these conditions can be addressed by increased access to health care,⁴⁷ but as explained below, this access has also been disrupted.

c. *Impact on Seniors’ Access to Health Care*

In response to the spread of COVID-19 in early 2020, health systems made rapid and sweeping changes to how health care was delivered—mainly in an effort to keep as many people home as possible.⁴⁸ This shift led many patients, including many older adults, to schedule appointments with their health care providers through telehealth visits—appointments typically conducted by video or phone, rather than in-person.⁴⁹ Telehealth expanded tremendously during the COVID-19 pandemic, with virtual visits going from constituting almost 0.1 percent of medical visits nationwide in January 2020 to about 14 percent of all visits in April 2020, before leveling off at about 8 percent of visits by the end of the year.⁵⁰ In New York City, Health + Hospitals reported that the number of billable virtual visits increased from 500 in January 2020 to almost 57,000 in the first three

⁴¹ See, e.g., *Loneliness and Social Isolation Linked to Serious Health Conditions*, Centers for Disease Control and Prevention, available at <https://www.cdc.gov/aging/publications/features/lonely-older-adults.html#:~:text=Older%20adults%20are%20at%20increased,the%20amount%20of%20social%20contact>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ See, e.g., “The Impact of COVID-19 Infection and Enforced Prolonged Social Isolation on Neuropsychiatric Symptoms in Older Adults With and Without Dementia: A Review,” *Psychiatry*, 22 October 2020, available at <https://doi.org/10.3389/fpsyt.2020.585540>.

⁴⁵ *Id.*

⁴⁶ See, e.g., “Maximising mobility in older people when isolated with COVID-19,” *The Centre for Evidence-Based Medicine*, March 20, 2020, available at <https://www.cebm.net/covid-19/maximising-mobility-in-the-older-people-when-isolated-with-covid-19/>.

⁴⁷ See, e.g., *Loneliness and Social Isolation Linked to Serious Health Conditions*, Centers for Disease Control and Prevention, available at <https://www.cdc.gov/aging/publications/features/lonely-older-adults.html#:~:text=Older%20adults%20are%20at%20increased,the%20amount%20of%20social%20contact>.

⁴⁸ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthypoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁴⁹ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthypoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁵⁰ Christian González-Rivera & Ruth Finkelstein, *Meaningful access: Investing in technology for aging well in New York City*, BROOKDALE CENTER FOR HEALTHY AGING, Jan. 22, 2021, <https://brookdale.org/meaningful-access-investing-in-technology-for-aging-well-in-new-york-city/>.

weeks of the pandemic, and 235,000 by June 2020.⁵¹ This expansion was made possible by a set of provisions through the two federal coronavirus relief bills in March 2020 and series of waivers that loosened regulations on who can get telehealth and how, as well as requiring insurance providers to cover telehealth visits.⁵²

In June 2020, the University of Michigan National Poll on Healthy Aging surveyed a national sample of U.S. adults aged 50-80 about their experiences related to telehealth visits.⁵³ The poll found that from 2019 to 2020 there was a substantial increase in the proportion of older adults who reported that their health care providers offered telehealth visits; 62 percent stated that their health care providers offered telehealth visits in June 2020, compared to only 14 percent in May 2019.⁵⁴ Similarly, the percentage of older adults who had ever participated in a telehealth visit rose sharply from 4 percent in May 2019 to 30 percent in June 2020.⁵⁵ Among those who had a telehealth visit between March and June 2020, 76 percent reported it was with a primary care provider, 32 percent with a specialty care provider, and 18 percent with a mental health provider.⁵⁶ In June 2020, 30 percent of older adults with a telehealth visit said that video or phone were the only options available when scheduling an appointment and 46 percent stated that their in-person visits were canceled or rescheduled to telehealth visits by their health care providers.⁵⁷

While older adults surveyed stated that their telehealth visits were more convenient than office visits, the majority also perceived office visits as providing a higher overall quality of care and better communication with health care providers.⁵⁸ The most common concerns with telehealth visits were the lack of a physical exam and the feeling that the quality of care was not as good as in-person appointments.⁵⁹ Other concerns included not feeling personally connected to the provider, having difficulty hearing or seeing the provider, and privacy concerns.⁶⁰ While a majority of older adults who had a telehealth visit reported that the technology was easy to use, some older adults have limited experience and comfort with technology and need additional support.⁶¹ Many older adults do not have access to technology or the Internet at all, making telehealth visitations even more challenging and inaccessible. For example, while individuals aged 60 and above make up just 20 percent of the city's population, they also represent 36 percent of New Yorkers with no internet

⁵¹ Christian González-Rivera & Ruth Finkelstein, *Meaningful access: Investing in technology for aging well in New York City*, BROOKDALE CENTER FOR HEALTHY AGING, Jan. 22, 2021, <https://brookdale.org/meaningful-access-investing-in-technology-for-aging-well-in-new-york-city/>.

⁵² Christian González-Rivera & Ruth Finkelstein, *Meaningful access: Investing in technology for aging well in New York City*, BROOKDALE CENTER FOR HEALTHY AGING, Jan. 22, 2021, <https://brookdale.org/meaningful-access-investing-in-technology-for-aging-well-in-new-york-city/>.

⁵³ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthyingpoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁵⁴ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthyingpoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁵⁵ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthyingpoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁵⁶ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthyingpoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁵⁷ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthyingpoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁵⁸ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthyingpoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁵⁹ *Id.*

⁶⁰ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthyingpoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

⁶¹ Lorraine Buis, *Telehealth Use Among Older Adults Before and During COVID-19*, NATIONAL POLL ON HEALTHY AGING, UNIVERSITY OF MICHIGAN, Aug. 17, 2020, <https://www.healthyingpoll.org/report/telehealth-use-among-older-adults-and-during-covid-19>.

connection at home—translating to 474,000 older New Yorkers living in households without Internet access.⁶² Furthermore, half of New Yorkers aged 80 and above lack access to the internet at home.⁶³

Aside from increasing the reliance on telehealth visits, COVID-19 fears have also drastically decreased visits to the emergency department (ED).⁶⁴ In July 2020, it was reported that four in five adults were concerned about contracting COVID-19 from another patient or visitor if they needed to go to the ED, while nearly a third reported actively delaying or avoiding medical care.⁶⁵ This manifested in reduced ED visits overall, with the CDC reporting a 42 percent drop in ED visits.⁶⁶

Older adults are in a particularly precarious situation, as they are among the highest at risk for complications and mortality from COVID-19, but can least afford to postpone or avoid receiving acute health care for other serious illnesses, injuries, or exacerbations of chronic conditions.⁶⁷ As older adults are engaging at a lesser frequency with health care providers, a larger number of people are falling through the cracks with untreated or poorly managed health concerns.⁶⁸ For example, reports show that the number of patients being treated for major artery blockages dropped by 38 percent—and this is not because one-third of the population with artery blockages have gotten better while isolating at home.⁶⁹ Physicians have stated that once they returned to seeing their patients in person, the proportion of care shifted from majority routine care, to more urgent and post-acute care.⁷⁰ This shift has been the result of people waiting longer to address exacerbations out of fear, the worsening of chronic conditions, and lifestyle disruptions, such as having irregular food access, worse nutrition, and exercise/mobility issues.⁷¹

IV. COVID-19 Vaccine: An Overview

a. Vaccine Development

Although vaccines typically take years of research and testing before they are administered to the public, researchers have worked to develop a SARS-CoV-2 vaccine in record time.⁷² The work on a COVID-19 vaccine has been expedited for a few reasons. Health experts say the world cannot fully return to a more normal level of activity until a coronavirus vaccine is widely distributed,⁷³ and multiple vaccines will be

⁶² Christian González-Rivera & Ruth Finkelstein, *Meaningful access: Investing in technology for aging well in New York City*, BROOKDALE CENTER FOR HEALTHY AGING, Jan. 22, 2021, <https://brookdale.org/meaningful-access-investing-in-technology-for-aging-well-in-new-york-city/>.

⁶³ Christian González-Rivera & Ruth Finkelstein, *Meaningful access: Investing in technology for aging well in New York City*, BROOKDALE CENTER FOR HEALTHY AGING, Jan. 22, 2021, <https://brookdale.org/meaningful-access-investing-in-technology-for-aging-well-in-new-york-city/>.

⁶⁴ Kevin Biese, *Emergency care for older adults in the COVID-19 era and beyond: Proactive, Safe and Close to Home*, GEORGE WASHINGTON UNIVERSITY SCHOOL OF MEDICINE & HEALTH SCIENCES, Jul. 14, 2020, <https://smhs.gwu.edu/urgentmatters/news/emergency-care-older-adults-covid-19-era-and-beyond-proactive-safe-and-close-home>.

⁶⁵ Kevin Biese, *Emergency care for older adults in the COVID-19 era and beyond: Proactive, Safe and Close to Home*, GEORGE WASHINGTON UNIVERSITY SCHOOL OF MEDICINE & HEALTH SCIENCES, Jul. 14, 2020, <https://smhs.gwu.edu/urgentmatters/news/emergency-care-older-adults-covid-19-era-and-beyond-proactive-safe-and-close-home>.

⁶⁶ Kevin Biese, *Emergency care for older adults in the COVID-19 era and beyond: Proactive, Safe and Close to Home*, GEORGE WASHINGTON UNIVERSITY SCHOOL OF MEDICINE & HEALTH SCIENCES, Jul. 14, 2020, <https://smhs.gwu.edu/urgentmatters/news/emergency-care-older-adults-covid-19-era-and-beyond-proactive-safe-and-close-home>.

⁶⁷ Kevin Biese, *Emergency care for older adults in the COVID-19 era and beyond: Proactive, Safe and Close to Home*, GEORGE WASHINGTON UNIVERSITY SCHOOL OF MEDICINE & HEALTH SCIENCES, Jul. 14, 2020, <https://smhs.gwu.edu/urgentmatters/news/emergency-care-older-adults-covid-19-era-and-beyond-proactive-safe-and-close-home>.

⁶⁸ *Reaching Our “Silent Seniors” During COVID-19*, Healthwise, Oct. 6, 2020, <https://www.healthwise.org/blog/reaching-silent-seniors-during-covid.aspx>.

⁶⁹ *Reaching Our “Silent Seniors” During COVID-19*, Healthwise, Oct. 6, 2020, <https://www.healthwise.org/blog/reaching-silent-seniors-during-covid.aspx>.

⁷⁰ *Reaching Our “Silent Seniors” During COVID-19*, Healthwise, Oct. 6, 2020, <https://www.healthwise.org/blog/reaching-silent-seniors-during-covid.aspx>.

⁷¹ *Reaching Our “Silent Seniors” During COVID-19*, Healthwise, Oct. 6, 2020, <https://www.healthwise.org/blog/reaching-silent-seniors-during-covid.aspx>.

⁷² Jonathan Corum et. al., *Coronavirus Vaccine Tracker*, The New York Times, last updated November 23, 2020, available at <https://www.nytimes.com/interactive/2020/science/coronavirus-vaccine-tracker.html>

⁷³ Ursula Perano, *Key information about the effective COVID-19 vaccines*, Axios, November 23, 2020, available at <https://www.axios.com/covid-vaccines-coronavirus-moderna-pfizer-oxford-d9522a80-c1c5-4da2-b7d8-c6c90c28b4b3.html>

needed in order to supply enough doses for universal vaccination.⁷⁴ Before the virus even had a name, and when there was only one reported death, a team of Chinese scientists uploaded its genetic sequence to a public site, inviting people from all over the world to begin working on a vaccine.⁷⁵ Additionally, according to *STAT Health*, the virus itself is an easier target for potential vaccines than other pathogens, because it is similar to previously encountered viruses and because it causes an acute, and not a chronic, infection.⁷⁶

While any effective vaccine triggers a person's immune system to make antibodies against the virus without causing disease, there are different techniques scientists are using to develop vaccines, some of which have not been approved previously for medical use.⁷⁷ Older and more traditional strategies for developing vaccines, such as using a weakened or inactivated form of the virus, take a long time to develop.⁷⁸ Inactive or live attenuated vaccines require growing viruses, and these procedures can take months to produce a batch of new vaccines.⁷⁹ Common examples of such vaccines include conventional vaccines for influenza, chickenpox, and measles, mumps, and rubella.⁸⁰

Newer approaches, however, only require scientists to know the virus' genetic sequence, and are quicker to implement.⁸¹ In fact, a team from the National Institute of Allergy and Infectious Diseases (NIAID) and the biotech company Moderna had a COVID-19 vaccine candidate ready for a Phase 1 trial less than ten weeks after scientists in China published the SARS-CoV-2 genetic sequence.⁸² The Moderna/NIAID vaccine, and others, were built with messenger ribonucleic acid (mRNA).⁸³ mRNA is a naturally occurring hereditary substance—specifically, a single-stranded RNA molecule that is complementary to one of the deoxyribonucleic acid (DNA) strands of a gene.⁸⁴

COVID-19 mRNA vaccines function by giving the human body “instructions” via mRNA for how to make the coronavirus' spike protein, a harmless piece of the virus found on its surface.⁸⁵ The vaccine shuttles the mRNA into cells, which utilize those instructions to create the protein that triggers the immune response to COVID-19.⁸⁶ Prior to this, no mRNA vaccine has ever been approved before.⁸⁷ Other approaches have also been developed, such as viral vector vaccines and protein-based vaccines.⁸⁸

⁷⁴ Jonathan Corum et. al., *Coronavirus Vaccine Tracker*, The New York Times, last updated November 23, 2020, available at <https://www.nytimes.com/interactive/2020/science/coronavirus-vaccine-tracker.html>

⁷⁵ Andrew Joseph, 'A huge experiment': How the world made so much progress on a Covid-19 vaccine so fast, STAT News, July 30, 2020, available at <https://www.statnews.com/2020/07/30/a-huge-experiment-how-the-world-made-so-much-progress-on-a-covid-19-vaccine-so-fast/>

⁷⁶ Andrew Joseph, 'A huge experiment': How the world made so much progress on a Covid-19 vaccine so fast, STAT News, July 30, 2020, available at <https://www.statnews.com/2020/07/30/a-huge-experiment-how-the-world-made-so-much-progress-on-a-covid-19-vaccine-so-fast/>

⁷⁷ Jonathan Corum, et. al., *Different Approaches to a Coronavirus Vaccine*, The New York Times, May 20, 2020, available at <https://www.nytimes.com/interactive/2020/05/20/science/coronavirus-vaccine-development.html>

⁷⁸ Andrew Joseph, 'A huge experiment': How the world made so much progress on a Covid-19 vaccine so fast, STAT News, July 30, 2020, available at <https://www.statnews.com/2020/07/30/a-huge-experiment-how-the-world-made-so-much-progress-on-a-covid-19-vaccine-so-fast/>

⁷⁹ Jonathan Corum, et. al., *Different Approaches to a Coronavirus Vaccine*, The New York Times, May 20, 2020, available at <https://www.nytimes.com/interactive/2020/05/20/science/coronavirus-vaccine-development.html>

⁸⁰ *Id.*

⁸¹ Andrew Joseph, 'A huge experiment': How the world made so much progress on a Covid-19 vaccine so fast, STAT News, July 30, 2020, available at <https://www.statnews.com/2020/07/30/a-huge-experiment-how-the-world-made-so-much-progress-on-a-covid-19-vaccine-so-fast/>

⁸² *Id.*

⁸³ *Id.*

⁸⁴ “Messenger RNA,” NIH, available at <https://www.genome.gov/genetics-glossary/messenger-rna>.

⁸⁵ *See Id.*; see also, Andrew Joseph, 'A huge experiment': How the world made so much progress on a Covid-19 vaccine so fast, STAT News, July 30, 2020, available at <https://www.statnews.com/2020/07/30/a-huge-experiment-how-the-world-made-so-much-progress-on-a-covid-19-vaccine-so-fast/>

⁸⁶ Andrew Joseph, 'A huge experiment': How the world made so much progress on a Covid-19 vaccine so fast, STAT News, July 30, 2020, available at <https://www.statnews.com/2020/07/30/a-huge-experiment-how-the-world-made-so-much-progress-on-a-covid-19-vaccine-so-fast/>

⁸⁷ *Id.*

⁸⁸ Jonathan Corum, et. al., *Different Approaches to a Coronavirus Vaccine*, The New York Times, May 20, 2020, available at <https://www.nytimes.com/interactive/2020/05/20/science/coronavirus-vaccine-development.html>

Vaccine development has also been speedy because of funding and regulatory nimbleness.⁸⁹ The Ebola crisis taught regulators and other stakeholders the importance of having regulatory flexibility and transparency, which allows faster and streamlined processes to develop life-saving vaccines and treatments.⁹⁰ For example, the FDA outlined that vaccines need to prevent infections or reduce the severity of COVID-19 in 50 percent of recipients to be approved, and some phases of clinical trials were collapsed, which saved time.⁹¹

According to *The New York Times*' COVID-19 vaccine tracker, there are various phases of vaccine testing, and researchers are currently testing 67 vaccines in clinical trials on humans and at least 89 preclinical vaccines are under active investigation in animals.⁹² Six vaccines are currently approved for early or limited use, and four have been approved for full use.⁹³ Two vaccines are currently in use in the United States: the Pfizer-BioNTech Vaccine and the Moderna vaccine.⁹⁴ The Pfizer-BioNTech vaccine, which is an mRNA vaccine, reports having a 95 percent efficacy rate.⁹⁵ It can be stored safely for up to five days in a standard refrigerator before being administered, and must be kept at minus 70 degrees Celsius for long-term storage.⁹⁶ The second vaccine, developed by Moderna, has an efficacy rate of 94.1 percent.⁹⁷ This vaccine can be stored for 30 days in a standard refrigerator or six months at minus 20 degrees Celsius.⁹⁸

In addition to the two vaccines already in use, Johnson & Johnson (J&J) applied for an emergency use authorization (EUA) for their vaccine on February 4, 2021, and the Food and Drug Administration's (FDA's) advisory board will meet on February 26 to consider the application.⁹⁹ EUA allows unapproved medical products or unapproved uses of approved medical products to be used in an emergency to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by Chemical, Biological, Radiological, and Nuclear (CBRN) threat agents when there are no adequate, approved, and available alternatives.¹⁰⁰ The FDA granted EUA to the Pfizer vaccine on December 11, 2020, and to the Moderna vaccine on December 18, 2020.¹⁰¹

The clinical trials for J&J's vaccine have had varied results.¹⁰² The vaccine had an efficacy of 72 percent in the United States, 66 percent in Latin America, and 57 percent in South Africa, with the lower result in South Africa likely to do with the rise of the B.1.351 variant in that country.¹⁰³ Variants have become a concern within widescale vaccination efforts, and studies are underway to confirm vaccine efficacy against various strains of the virus.¹⁰⁴ However, when J&J looked at just severe cases of COVID-19, the vaccine had an efficacy against severe disease of 85 percent in all regions, and therefore reduced the risk of hospitalization and death.¹⁰⁵ The J&J vaccine only requires one dose and can be stored in a refrigerator¹⁰⁶, which can help streamline vaccine efforts.

⁸⁹ Andrew Joseph, 'A huge experiment': How the world made so much progress on a Covid-19 vaccine so fast, STAT News, July 30, 2020, available at <https://www.statnews.com/2020/07/30/a-huge-experiment-how-the-world-made-so-much-progress-on-a-covid-19-vaccine-so-fast/>

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Jonathan Corum et. al., *Coronavirus Vaccine Tracker*, The New York Times, last updated February 6, 2021, available at <https://www.nytimes.com/interactive/2020/science/coronavirus-vaccine-tracker.html>

⁹³ Jonathan Corum et. al., *Coronavirus Vaccine Tracker*, The New York Times, last updated February 6, 2021, available at <https://www.nytimes.com/interactive/2020/science/coronavirus-vaccine-tracker.html>

⁹⁴ *Id.*

⁹⁵ Ursula Perano, *Key information about the effective COVID-19 vaccines*, Axios, November 30, 2020, available at <https://www.axios.com/covid-vaccines-coronavirus-moderna-pfizer-oxford-d9522a80-c1c5-4da2-b7d8-c6c90c28b4b3.html>

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Jonathan Corum et. al., *Coronavirus Vaccine Tracker*, The New York Times, last updated February 6, 2021, available at <https://www.nytimes.com/interactive/2020/science/coronavirus-vaccine-tracker.html>

¹⁰⁰ "Emergency Use Authorization," FDA, available at <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization#abouteuas>.

¹⁰¹ Jonathan Corum et. al., *Coronavirus Vaccine Tracker*, The New York Times, last updated November 23, 2020, available at <https://www.nytimes.com/interactive/2020/science/coronavirus-vaccine-tracker.html>

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.* & Jonathan Corum & Carl Zimmer, *Coronavirus Variants and Mutations*, The New York Times, last updated February 11, 2021, last accessed February 12, 2021, available at <https://www.nytimes.com/interactive/2021/health/coronavirus-variant-tracker.html>

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

b. *The COVID-19 Vaccine Roll Out Overview*

i. *New York State and City's Vaccine Distribution Models*

Both New York State and New York City proposed preliminary plans to ensure the safe and efficient distribution and administration of COVID-19 vaccines to New York residents.¹⁰⁷ To ensure coordinated and efficient statewide distribution and administration, all localities and entities in New York State will be required to follow the state's guidance and protocols for COVID-19 vaccinations.¹⁰⁸ The New York State Plan was created by analyzing New York's health emergency response to the first influenza pandemic, lessons learned from the H1N1 vaccination effort, and emergency preparedness exercises with state and local health departments.¹⁰⁹

To establish and build public trust around vaccine safety and effectiveness, Governor Andrew Cuomo appointed members to New York's Independent Clinical Advisory Task Force; the Task Force is comprised of leading scientists, doctors, and health experts, whose role it is to expeditiously review every COVID-19 vaccine authorized by the federal government, and to advise New York State on the vaccine's safety and effectiveness in fighting the virus.¹¹⁰ To help guide the distribution and administration process, the Governor has also established a Vaccine Distribution and Implementation Task Force—comprised of experts in public health, immunizations, government operations, data, and other relevant fields—to advise the set up and operation of the State's COVID-19 vaccination program.¹¹¹ New York State prioritized vaccination recipients based on science, clinical expertise, and federal guidelines, with critical populations identified and recommended by the Advisory Committee on Immunization Practices. Prioritization decisions also took into account the disparate impact of COVID-19 on communities of color, health disparities present in underrepresented and marginalized communities, and communities with historically poor health outcomes.¹¹² New York State is also working directly with Tribal Nations to ensure these communities' vaccination needs are met.¹¹³

New York City's vaccination plan builds upon a well-established immunization infrastructure, and draws on DOHMH's pandemic influenza plan, as well as lessons learned from the H1N1 and annual flu vaccination plans.¹¹⁴ DOHMH has established a Vaccine Task Force (VTF) for New York City's COVID-19 response, with the objective of developing a plan for equitable distribution of COVID-19 vaccines when they become available.¹¹⁵ The VTF includes staff from across DOHMH specializing in equity, provider communications, community partner engagement, people living congregate settings, development and dissemination of information to the public, health care system support and field operations, as well as vaccine distribution, allocation, and accountability.¹¹⁶ DOHMH is utilizing existing relationship with immunization providers as well as reaching out to potential providers for enrollment in the COVID-19 vaccination program, and the VTF will coordinate vaccine planning with these organizations and collaborate closely with New York State and government agencies.¹¹⁷

Similar to the State plan, the NYC COVID-19 Vaccination Plan looks to the National Academy of Science, Engineering, and Medicine framework and guidance from the Advisory Committee on Immunization Practices for planning of a phased rollout that adheres to national guidance and ensures local equity in

¹⁰⁷ New York State Department of Health, *New York State's COVID-19 Vaccination Program*, Oct. 2020, https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS_COVID_Vaccination_Program_Book_10.16.20_FINAL.pdf; New York City Department of Health & Mental Hygiene, *Interim COVID-19 Vaccination Plan – Executive Summary*, <https://www.cdc.gov/vaccines/covid-19/downloads/new-york-city-jurisdiction-executive-summary.pdf>.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ New York City Department of Health & Mental Hygiene, *Interim COVID-19 Vaccination Plan – Executive Summary*, <https://www.cdc.gov/vaccines/covid-19/downloads/new-york-city-jurisdiction-executive-summary.pdf>.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

allocation and access to New York City residents.¹¹⁸ The City plan states that the VTF is actively engaging community members to understand vaccine hesitancy, especially as it relates to historic and persistent racial oppression, and the VTF is prepared to deliver on-the-ground messaging both from public health leaders and trusted community members, in multiple languages to increase uptake of the vaccine and combat misinformation.¹¹⁹

ii. *New York City's Vaccine Roll Out*

On December 14, 2020, Nurse Sandra Lindsey became the first person in the United States to receive the COVID-19 vaccine in a non-clinical trial, when she received the vaccine at New York's Long Island Jewish Medical Center.¹²⁰ New York City began the first portion of Phase 1a of vaccine distribution that same day, which included high-risk hospital staff, affiliates, volunteers and contract staff, following the clinical risk assessment guidance, who received the vaccine through hospital employers.¹²¹ The following week, beginning December 21, 2020, this first group was expanded to include emergency medical services (EMS) personnel, medical examiners and coroners, funeral workers who have direct contact with infectious material and bodily fluids, health care or other high-risk direct care essential staff working in long-term care facilities (LTCF) and long-term, congregate settings, and persons living in LTCFs and in long-term congregate settings.¹²²

In the following two weeks, the group was again expanded to the remaining categories of phase 1a, which include agency staff and residents in congregate living situations run by the Office of People with Developmental Disabilities (OPWDD), the Office of Mental Health (OMH), and the Office of Addiction Services and Supports (OASAS), urgent care providers, any staff administering COVID-19 vaccinations, and other frontline health care workers.¹²³

On Friday, January 8, 2021, Governor Cuomo announced that phase 1b would commence in New York State on January 11, 2021, beginning with essential workers and New Yorkers over the age of 75.¹²⁴ The Governor also announced that a new network of vaccine sites would be operationalized to supplement vaccine administration for individuals falling under group 1a and eligible under the first phase of group 1b.¹²⁵ The Governor called upon large unions to organize vaccine administration to essential workers in their networks, to allow other providers to administer vaccines to those in the 75+ age group.¹²⁶ DOHMH provided further guidance after the Governor's announcement, declaring that the next phase would include people aged 75 and older, teachers and education workers, first responders, public safety workers, and public transit workers.¹²⁷

On January 12, 2021, after updated guidance from the CDC, Governor Cuomo announced that those aged 65 and older would be eligible to receive the vaccine, and that the State was working to ensure that those under age 65 who are immunocompromised would also be eligible.¹²⁸ The Governor noted that although roughly seven million New Yorkers were now eligible for the vaccine, the federal government was still only allotting

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ See, e.g., "NYC Nurse Is Among The 1st To Get COVID-19 Vaccine In The U.S.," NPR, Dec. 14, 2020, available at

<https://www.npr.org/2020/12/14/946253331/new-york-city-nurse-among-the-first-to-get-coronavirus-vaccine-in-the-u-s>.

¹²¹ "Guidance for Facilities, Providers, and Local Health Departments Receiving COVID-19 Vaccine Weeks 1-5 New York State Vaccination Program Phase 1A Only," NYS DOH, available at

https://coronavirus.health.ny.gov/system/files/documents/2021/01/guidance_facilitiesreceivingcovid19vaccineweeks1-5.pdf.

¹²² *Id.*

¹²³ "Guidance for Facilities, Providers, and Local Health Departments Receiving COVID-19 Vaccine Weeks 1-5 New York State Vaccination Program Phase 1A Only," NYS DOH, available at

https://coronavirus.health.ny.gov/system/files/documents/2021/01/guidance_facilitiesreceivingcovid19vaccineweeks1-5.pdf.

¹²⁴ "Governor Cuomo Announces Expanded Vaccination Network To Accelerate Distribution of COVID-19 Vaccine," Governor Press Release, Jan. 8, 2021, available at <https://www.governor.ny.gov/news/governor-cuomo-announces-expanded-vaccination-network-accelerate-distribution-covid-19-vaccine>.

¹²⁵ *Id.*

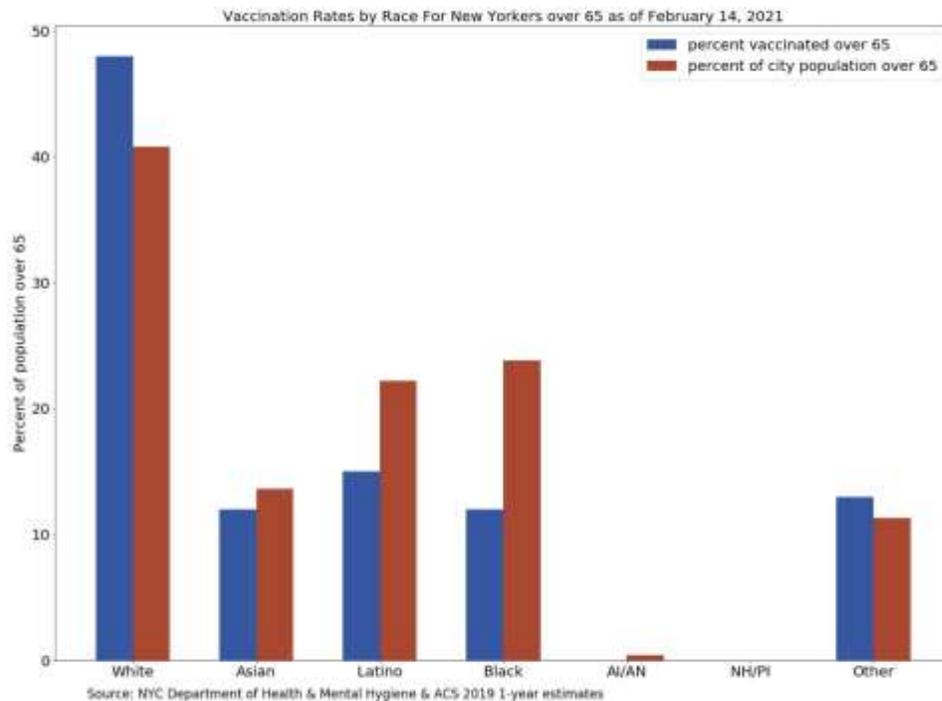
¹²⁶ *Id.*

¹²⁷ "COVID-19: Vaccine Distribution in NYC," DOHMH Website, available at <https://www1.nyc.gov/site/doh/covid/covid-19-vaccine-eligibility.page>.

¹²⁸ *Audio & Rush Transcript: Governor Cuomo Updates New Yorkers on State's COVID-19 Response, Makes an Announcement*, Governor Press Release, Jan. 12, 2021, available at <https://www.governor.ny.gov/news/audio-rush-transcript-governor-cuomo-updates-new-yorkers-states-covid-19-response-makes-0>

the state 300,000 vaccines per week.¹²⁹ Starting February 15, 2021, individuals with underlying conditions will also be eligible for the COVID-19 vaccine.¹³⁰ On February 5, 2021, Governor Cuomo announced which comorbidities and underlying conditions would allow a person to qualify for a vaccine.¹³¹ Conditions include cancer, chronic kidney disease, pulmonary disease, intellectual and developmental disabilities, heart conditions, immunocompromised state, severe obesity, pregnancy, sickle cell disease or thalassemia, type 1 or 2 diabetes mellitus, cerebrovascular disease, neurologic conditions and liver disease.¹³²

Due to lack of supply, technological barriers, and other issues, the State and City's vaccine roll out has led to disparate outcomes and inaccessible vaccine appointments.¹³³ As of February 16, 2021, among the adults who have received at least one dose of the vaccine who have known race and ethnicity data, 43 percent are white, 15 percent are Asian, 16 percent are Latino, 11 percent are Black, and 14 percent are listed as "other."¹³⁴ Among the adults 65 years old and older who have received at least one dose of the vaccine who have known race and ethnicity data, 47 percent are white, 13 percent are Asian, 15 percent are Latino, 12 percent are Black, and 14 percent are listed as "other."¹³⁵ The City is 29 percent Latino and 24 percent Black, and both communities are underrepresented in vaccine distribution.¹³⁶ See below a graph comparing vaccination rate by race for those aged 65 and older compared to percent of population.



¹²⁹ *Id.*

¹³⁰ Governor Cuomo Announces List of Comorbidities and Underlying Conditions Eligible for COVID-19 Vaccine Starting February 15, New York State Press Release, February 5, 2021, available at <https://www.governor.ny.gov/news/governor-cuomo-announces-list-comorbidities-and-underlying-conditions-eligible-covid-19-vaccine>

¹³¹ *Id.*

¹³² *Id.*

¹³³ Annie McDonough, *How New York can distribute the vaccine more equitably*, City & State, February 3, 2021, available at <https://www.cityandstateny.com/articles/policy/health-care/how-new-york-can-distribute-vaccine-more-equitably.html>

¹³⁴ New York City Department of Health and Mental Hygiene, *COVID-19 Vaccines*, last accessed on February 11, 2021, available at <https://www1.nyc.gov/site/doh/covid/covid-19-data-vaccines.page>

¹³⁵ *Id.*

¹³⁶ Annie McDonough, *How New York can distribute the vaccine more equitably*, City & State, February 3, 2021, available at <https://www.cityandstateny.com/articles/policy/health-care/how-new-york-can-distribute-vaccine-more-equitably.html>

One of the main barriers to equitable vaccine distribution is supply. According to Mayor de Blasio, since the beginning of February 2021, the City has had the capacity to vaccinate 500,000 people per week.¹³⁷ Although both the State and the City continue to open mass vaccination sites with the capability of vaccinating thousands of people per day each,¹³⁸ the City is still vaccinating, at most, less than 60,000 people per day, and much less than that on weekends.¹³⁹ On February 10, it was announced at a Governor’s press conference that the state and federal governments are continuing to take steps to increase the vaccine supply, and the federal government has achieved a 28 percent increase in vaccine allocation since the start of the Biden Administration.¹⁴⁰ Additionally, the federal government is helping states administer their vaccine supply more efficiently and equitably by providing visibility into the supply states will receive weeks in advance.¹⁴¹ While federal, state, and city governments are working to increase supply and address other barriers, such as creating more mass vaccination sites in the hardest hit areas,¹⁴² technological issues and other barriers persist.

V. SCHEDULING VACCINE APPOINTMENTS IN NEW YORK CITY

New York State launched and maintains an external public-facing dashboard to keep New Yorkers informed of vaccination progress and relevant updates, including doses administered by region.¹⁴³ There is also a state website for those seeking information regarding vaccine eligibility and appointment scheduling that offers a vaccine eligibility screening tool and a vaccine administration site locator.¹⁴⁴ In addition to online services, a call center and hotline¹⁴⁵ have been made available for patients and providers to access live support.¹⁴⁶ Like New York State, New York City also offers online and over-the-phone services.¹⁴⁷

There are several vaccination sign-up websites available to qualified New Yorkers. Among them are city and state-managed websites: *COVID-19 Vaccine Finder*¹⁴⁸, *COVID-19 Vaccine Hubs*¹⁴⁹, *New York City Health + Hospitals COVID-19 Vaccination Scheduler*¹⁵⁰, *COVID-19 Vaccine*¹⁵¹ as well as websites managed by third-party software engineers: *TurboVax*¹⁵² and *NYC Vaccine List*.¹⁵³

¹³⁷ *Transcript: Mayor de Blasio Holds Media Availability*, New York City Mayor Press Release, January 25, 2021, available at <https://www1.nyc.gov/office-of-the-mayor/news/055-21/transcript-mayor-de-blasio-holds-media-availability>

¹³⁸ *Video, Audio, Photos & Rush Transcript: Governor Cuomo & Biden Administration Announce Mass Vaccination Sites to Open in New York State, Targeted at Increasing Equitable Vaccination Access*, New York State Press Release, February 10, 2021, available at <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-governor-cuomo-biden-administration-announce-mass-and-vaccine-for-all-citi-field-site-opens-today>, New York City Press Release, February 10, 2021, available at <https://www1.nyc.gov/office-of-the-mayor/news/098-21/vaccine-all-citi-field-site-opens-today>

¹³⁹ *COVID-19 Data*, New York City Department of Health and Mental Hygiene, last accessed February 11, 2021, available at <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>

¹⁴⁰ *Video, Audio, Photos & Rush Transcript: Governor Cuomo & Biden Administration Announce Mass Vaccination Sites to Open in New York State, Targeted at Increasing Equitable Vaccination Access*, New York State Press Release, February 10, 2021, available at <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-governor-cuomo-biden-administration-announce-mass>

¹⁴¹ *Id.*

¹⁴² *Id. & Vaccine For All: Citi Field Site Opens Today*, New York City Press Release, February 10, 2021, available at <https://www1.nyc.gov/office-of-the-mayor/news/098-21/vaccine-all-citi-field-site-opens-today>

¹⁴³ New York State Department Of Health COVID-19 Vaccine Tracker, last accessed February 11, 2021, available at <https://covid19vaccine.health.ny.gov/covid-19-vaccine-tracker>

¹⁴⁴ New York State Department of Health, *See if you may be Eligible to Receive the COVID-19 Vaccine*, last accessed February 11, 2021, available at <https://am-i-eligible.covid19vaccine.health.ny.gov/>

¹⁴⁵ “COVID-19 Vaccine: Get the Facts,” NY DOH, available at <https://covid19vaccine.health.ny.gov/>; Hotline is 1-833-NYS-4-VAX (1-833-697-4829).

¹⁴⁶ *Id.*

¹⁴⁷ Sydney Pereira, “New Yorkers Eligible For COVID Vaccine Report Frustrations With City Registration Websites”, Gothamist, January 11, 2021, available at <https://gothamist.com/news/new-yorkers-eligible-vaccine-report-frustrations-city-registration-websites>.

¹⁴⁸ “NYC COVID-19 Vaccine Finder”, NYC DOHMH, last accessed on February 12, 2021, available at <https://vaccinefinder.nyc.gov/>.

¹⁴⁹ “COVID-19 Vaccine Hubs Appointment Scheduler”, NYC DOHMH, last accessed on February 12, 2021, available at <https://vax4nyc.nyc.gov/patient/s/>.

¹⁵⁰ “COVID-19 Vaccination Scheduler”, NYC Health + Hospitals, last accessed on February 12, 2021, available at <https://covid19.nychealthandhospitals.org/UnaffiliatedHealthCareWorkers>.

¹⁵¹ “COVID-19 Vaccine”, New York State, last accessed on February 12, 2021, available at <https://covid19vaccine.health.ny.gov/>.

¹⁵² “TurboVax”, available at <https://www.turbovax.info/>.

¹⁵³ “NYC Vaccine List”, available at <https://nycvaccinelist.com/>.

The *COVID-19 Vaccine Finder* is created and managed by DOHMH.¹⁵⁴ The *COVID-19 Vaccine Finder* is an aggregator of both public and private vaccination providers.¹⁵⁵ The website lists vaccination providers and upon entering a zip code or address in a search bar, directs a user to a map and directory of the closest vaccination providers.¹⁵⁶ It then further directs the user to the provider’s website to schedule a COVID-19 vaccination appointment.¹⁵⁷ According to the information listed on the main page, “[e]ach [provider] manages its own schedules and appointments on its website.”¹⁵⁸

As required by Local Law 30 of 2017, information on the *COVID-19 Vaccine Finder* website is available in the top ten languages spoken by New Yorkers including: Spanish, Chinese, Russian, Bengali, Haitian Creole, Korean, Arabic, Urdu, French, and Polish.¹⁵⁹ The website’s translation is provided by Google Translate.¹⁶⁰ However, as the website serves as a directory, there is no guarantee that this language support is consistent across all the private and public providers which the *COVID-19 Vaccine Finder* redirects towards.¹⁶¹

Other municipal websites set up to help New Yorkers schedule vaccinations are *DOHMH COVID-19 Vaccine Hubs*¹⁶² and the *NYC Health + Hospitals COVID-19 Vaccination Scheduler*.¹⁶³ Both websites, rather than directing a user to external webpages, require a step-by-step registration and verification process before allowing users to arrive at an appointment scheduler.¹⁶⁴ Unlike the *Vaccine Finder*, which provides information about both private and public vaccination sites, the *NYC Health + Hospitals COVID-19 Vaccination Scheduler* only coordinates appointments for vaccination sites run by NYC Health + Hospitals, and the *DOHMH COVID-19 Vaccine Hubs* only coordinates appointments for vaccination sites run by DOHMH.¹⁶⁵ The *DOHMH Vaccine Hubs* provides information in ten languages, while the *NYC Health + Hospitals COVID-19 Vaccination Scheduler* only offers information in English.¹⁶⁶

Although these websites provide valuable information about the immunization process to New Yorkers, they have several issues that cause users frustration in navigating the process of finding and scheduling vaccination appointments.¹⁶⁷ The most common issues are related to a non-user-friendly interface, a lengthy registration process, and heavy web traffic.¹⁶⁸

For example, in order to schedule vaccine appointments through the *COVID-19 Vaccine Finder* website, rather than browse appointment availability citywide, users are directed to other providers’ websites with their own different interfaces.¹⁶⁹ Users are then asked to submit their personal information with a vaccination

¹⁵⁴ “COVID-19: Vaccines”, NYC DOHMH, last accessed on February 12, 2021, available at <https://www1.nyc.gov/site/doh/covid/covid-19-vaccines.page>.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ “COVID-19 Vaccine Finder Locations,” NYC DOHMH, last accessed on February 12, 2021, available at <https://vaccinefinder.nyc.gov/locations>; Local Law 30, The New York City Council, available at <https://go.usa.gov/xsrAe>.

¹⁶⁰ *Id.*; “Language and Disability Access,” NYC Mayor’s Office of Immigrant Affairs, last accessed on February 12, 2021, available at <https://www1.nyc.gov/site/immigrants/about/language-and-disability-access.page>.

¹⁶¹ “COVID-19 Vaccine Finder Locations,” NYC DOHMH, last accessed on February 12, 2021, available at <https://vaccinefinder.nyc.gov/locations>.

¹⁶² “COVID-19 Vaccine Hubs Appointment Scheduler,” NYC DOHMH, last accessed on February 12, 2021, available at <https://vax4nyc.nyc.gov/patient/s/>.

¹⁶³ “COVID-19 Vaccination Scheduler”, NYC Health + Hospitals, last accessed on February 12, 2021, available at <https://covid19.nychealthandhospitals.org/UnaffiliatedHealthCareWorkers>.

¹⁶⁴ “COVID-19 Vaccine Hubs Appointment Scheduler,” NYC DOHMH, last accessed on February 12, 2021, available at <https://vax4nyc.nyc.gov/patient/s/>; “COVID-19 Vaccination Scheduler”, NYC Health + Hospitals, last accessed on February 12, 2021, available at <https://covid19.nychealthandhospitals.org/UnaffiliatedHealthCareWorkers>.

¹⁶⁵ “COVID-19 Vaccines at NYC Health + Hospitals,” NYC Health + Hospitals, last accessed on February 12, 2021, available at <https://www.nychealthandhospitals.org/covid-19-vaccines/>; Sydney Pereira, “New Yorkers Eligible For COVID Vaccine Report Frustrations With City Registration Websites”, Gothamist, January 11, 2021, available at <https://gothamist.com/news/new-yorkers-eligible-vaccine-report-frustrations-city-registration-websites>.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*; Annie McDonough, “Vaccine website frustrations point to larger government tech problems”, City and State, January 12, 2021, available at <https://www.cityandstateny.com/articles/policy/technology/vaccine-website-frustrations-point-larger-government-tech-problems.html>; Sharon Otterman, “The Maddening Red Tape Facing Older People Who Want the Vaccine”, The New York Times, January 14, 2021, available at <https://www.nytimes.com/2021/01/14/nyregion/covid-vaccine-older-people-senior-citizens.html>.

¹⁶⁹ “COVID-19 Vaccine Finder Locations”, NYC DOHMH, last accessed on February 12, 2021, available at <https://vaccinefinder.nyc.gov/locations>.

provider they select.¹⁷⁰ Required information often includes an email address, health insurance information, and employment information, which users may not have readily available.¹⁷¹ This process can take from several minutes to several hours, and can ultimately leave residents without desired immunization appointments, as after the lengthy registration process, users often learn that no appointments are available due to a lack of availability of appointments or low vaccine supply.¹⁷² If the user is unsuccessful with scheduling an appointment, the user has to repeat the same registration and screening processes with other providers.¹⁷³ In addition, heavy web traffic may slow that process, causing webpages to freeze or crash, and forcing users to restart the process all over again.¹⁷⁴

Another issue is that the *COVID-19 Vaccine Finder* is not compatible with Internet Explorer, which is often used as a default browser on computers.¹⁷⁵ Downloading another browser in order to access the website might not only be challenging for some non-tech-savvy New Yorkers, but could also become *an unbearable obstacle*.

The above issues related to access to vaccination appointments represent significant barriers to the equitable distribution of the vaccine in New York City.¹⁷⁶ In order to improve access to vaccination appointments online, several software engineers have created their own websites with an easier to use interface.¹⁷⁷ Independent websites that have come to the forefront are *NYC Vaccine List* and *TurboVax*.¹⁷⁸

NYC Vaccine List was launched by a team of volunteers led by site developers Dan Benamy and Cameron Yick.¹⁷⁹ *NYC Vaccine List* collects data about vaccine availability with programs called "crawlers." These crawlers navigate several websites, including the *COVID-19 Vaccine Finder*, the NY State Department of Health, the *COVID-19 Vaccine Hubs*, and the *COVID-19 Vaccination Scheduler* run by NYC Health + Hospitals.¹⁸⁰ The development team recently incorporated Google Translate into their website to support most languages, including the top ten New York City languages.¹⁸¹

TurboVax, created by software developer Huge Ma, also automatically searches through three major government vaccination websites (*COVID-19 Vaccine Hubs*, *NYC Health + Hospitals COVID-19 Vaccine Scheduler*, and *New York State Vaccination Centers*) to find available appointment slots.¹⁸² *TurboVax* does not have extra language support.¹⁸³

Both websites direct users to external webpages to register and book appointments. However, instead of having users individually go through each vaccination provider's online registration process for potentially unavailable appointments, *NYC Vaccine List* and *TurboVax* streamline the process by compiling available appointments in one location so that it is easier to find appointment availability.¹⁸⁴ Both websites also have

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² Sydney Pereira, "New Yorkers Eligible For COVID Vaccine Report Frustrations With City Registration Websites", Gothamist, January 11, 2021, available at <https://gothamist.com/news/new-yorkers-eligible-vaccine-report-frustrations-city-registration-websites>; Annie McDonough, "Vaccine website frustrations point to larger government tech problems", City and State, January 12, 2021, available at <https://www.cityandstateny.com/articles/policy/technology/vaccine-website-frustrations-point-larger-government-tech-problems.html>; Sharon Otterman, "The Maddening Red Tape Facing Older People Who Want the Vaccine", The New York Times, January 14, 2021, available at <https://www.nytimes.com/2021/01/14/nyregion/covid-vaccine-older-people-senior-citizens.html>.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ See COVID-19 Vaccine Finder, <https://vaccinefinder.nyc.gov/> (this application does not support use with Internet Explorer. When utilizing this application we suggest using a different browser).

¹⁷⁶ Sharon Otterman, "N.Y.'s Vaccine Websites Weren't Working. He Built a New One for \$50," New York Times, February 9, 2021, <https://www.nytimes.com/2021/02/09/nyregion/vaccine-website-appointment-nyc.html>.

¹⁷⁷ Sharon Otterman, "N.Y.'S Vaccine Websites Weren't Working. He Built a New One for \$50", The New York Times, February 9, 2021, available at <https://www.nytimes.com/2021/02/09/nyregion/vaccine-website-appointment-nyc.html>.

¹⁷⁸ *Id.*

¹⁷⁹ "About", NYC Vaccine List, last accessed on February 12, 2021, available at <https://nycvaccinelist.com/about>.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² "About," TurboVax, last accessed on February 12, 2021, available at <https://www.turbovax.info/about>.

¹⁸³ *Id.*

¹⁸⁴ Sharon Otterman, "N.Y.'S Vaccine Websites Weren't Working. He Built a New One for \$50," The New York Times, February 9, 2021, available at <https://www.nytimes.com/2021/02/09/nyregion/vaccine-website-appointment-nyc.html>.

disclaimers that the data on their websites is not perfect given the limited supply of the vaccine and the limited availability of vaccine appointments.¹⁸⁵

Unfortunately, some New Yorkers – especially seniors – might not be able to access either of these websites due to the lack of an Internet connection, low digital literacy, and/or lack of access to technology. For example, the New York City Comptroller reported that 42% of New Yorkers aged 65 and above lacked broadband Internet access.¹⁸⁶ Additionally, United States Census data from 2019 showed that in New York City, 9.6% of households aged 65 years and over do not have broadband access, but do have computers.¹⁸⁷ However, approximately 18.8% of these households do not have a computer at all; this compared to just 5.7% of the 18-64 year old age group that do have a computer, but no broadband and 3.1% with no computer.¹⁸⁸ Further, some of these New Yorkers, may not have electronic contact information like an email address, which is often required to schedule a vaccine appointment online.¹⁸⁹

In order to assist those vulnerable individuals who may not be able to easily schedule vaccination appointments online, both New York State and New York City launched vaccination hotlines to allow residents to schedule immunization appointments by phone.¹⁹⁰ The New York State (1-833-NYS-4VAX) hotline is open from 7 a.m. - 10 p.m., while New York City (1-877-VAX-4NYC) hotline is open from 8 a.m. - 9 p.m.¹⁹¹ The City's hotline has at least 750 customer service representatives answering calls seven days a week.¹⁹² Nevertheless, hold times remains significantly long.¹⁹³

As New York City continues its vaccination efforts and consolidates available appointments, more New York City residents will use either the online portals or the City's vaccination hotline to sign up for receiving vaccines.¹⁹⁴ Improving the user experience of these technologies is necessary in order to make it easier for New Yorkers to schedule appointments for the COVID-19 vaccine.¹⁹⁵

VI. SENIORS' ACCESS TO THE COVID-19 VACCINE

Citywide, 1.3 million people aged 65 or older are eligible for the COVID-19 vaccine,¹⁹⁶ and according to the Department of Health, 282,407 older New Yorkers have received at least 1 dose of the vaccine.¹⁹⁷ New York City's Vaccine Planning Group for Older New Yorkers works with local organizations to increase older adults' understanding of COVID-19 vaccinations and city resources available to them.¹⁹⁸ This group has

¹⁸⁵ "About," TurboVax, last accessed on February 12, 2021, available at <https://www.turbovax.info/about>; "About", NYC Vaccine List, last accessed on February 12, 2021, available at <https://nycvaccinelist.com/about>.

¹⁸⁶ *Census and The City: Overcoming NYC's Digital Divide in the 2020 Census*, Office of the NYC Comptroller, July 2019, available at https://comptroller.nyc.gov/wp-content/uploads/documents/Census_and_The_City_Overcoming_NYC_Digital_Divide_Census.pdf (based on 2017 United States Census data).

¹⁸⁷ American Community Survey, *Types of Internet Subscriptions by Selected Characteristics*, United States Census Bureau, available at <https://data.census.gov/cedsci/table?q=broadband.%20new%20york%20city&tid=ACST1Y2019.S2802&hidePreview=false>.

¹⁸⁸ *Id.*

¹⁸⁹ See Sharon Otterman, "N.Y.'S Vaccine Websites Weren't Working. He Built a New One for \$50", The New York Times, February 9, 2021, available at <https://www.nytimes.com/2021/02/09/nyregion/vaccine-website-appointment-nyc.html>.

¹⁹⁰ Sydney Pereira, "New Yorkers Eligible for COVID Vaccine Report Frustrations with City Registration Websites", GOTHAMIST, January 11, 2021, available at <https://gothamist.com/news/new-yorkers-eligible-vaccine-report-frustrations-city-registration-websites>.

¹⁹¹ See *id.*

¹⁹² Elizabeth Kim, "Coronavirus Updates: NYC Vaccination Appointment Hotline Will Soon Run 24/7", Gothamist, January 13, 2021, available at <https://gothamist.com/news/coronavirus-updates-nyc-vaccination-appointment-hotline-will-now-run-247>; Sydney Pereira, "New Yorkers Eligible For COVID Vaccine Report Frustrations With City Registration Websites", Gothamist, January 11, 2021, available at <https://gothamist.com/news/new-yorkers-eligible-vaccine-report-frustrations-city-registration-websites>.

¹⁹³ Sharon Otterman, "The Maddening Red Tape Facing Older People Who Want the Vaccine", The New York Times, January 14, 2021, available at <https://www.nytimes.com/2021/01/14/nyregion/covid-vaccine-older-people-senior-citizens.html>.

¹⁹⁴ Sydney Pereira, "NY State Website Overwhelmed By Newly-Eligible People Seeking Vaccine", Gothamist, February 14, 2021, available at <https://gothamist.com/news/ny-state-website-overwhelmed-newly-eligible-people-seeking-vaccine>.

¹⁹⁵ Annie McDonough, "Vaccine website frustrations point to larger government tech problems", City and State, January 12, 2021, available at <https://www.cityandstateny.com/articles/policy/technology/vaccine-website-frustrations-point-larger-government-tech-problems.html>.

¹⁹⁶ Testimony of NYC Aging, NYC Council Committees on Aging and Technology hearing. January 22, 2021.

¹⁹⁷ Department of Health, "Covid-19 Vaccines." Accessed at: <https://www1.nyc.gov/site/doh/covid/covid-19-data-vaccines.page>.

¹⁹⁸ Office of the Mayor, "Vaccine for All: City to Offer Transportation for NYC Seniors," January 17, 2021. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/035-21/vaccine-all-city-offer-transportation-nyc-seniors>

conducted outreach to seniors through knocking on doors, making phone calls and robocalls, hosting virtual townhalls and partnering with local health providers.¹⁹⁹

To help ensure older adults receive vaccinations, the City operates a vaccine registration website,²⁰⁰ offers seniors transportation to vaccination sites, and provides vaccinations at targeted locations, including within the New York City Housing Authority.²⁰¹ However, despite the City's efforts, older adults face a plethora of hurdles when seeking vaccinations, including issues within the city's own services.²⁰²

a. Older Adult Vaccine Skepticism

Many older adults are hesitant to receive the COVID-19 vaccine. According to a study by the City University of New York Graduate School of Public Health and Health Policy, vaccine acceptance for individuals aged 60 and older was just 52% in September 2020 and increased only by 11%, to 63%, in January 2021.²⁰³ While data on vaccine acceptance rates for older adults of color is limited, research shows that people of color, especially Black people, are disproportionately hesitant about receiving the COVID-19 vaccine.²⁰⁴ Notably, such hesitancy is rooted in historical injustices, such as the Tuskegee syphilis experiment, as well as present day systemic injustices.²⁰⁵ Recently, there have been reports of NYC nursing homes giving veterans experimental COVID-19 treatments without family members awareness.²⁰⁶

To address the overall skepticism of the vaccine, as previously noted, the City has conducted various outreach and informational campaigns, including launching a Vaccine for All effort, that include broad outreach and education to address vaccine hesitancy.²⁰⁷

b. Registration Challenges

Like other eligible groups, older adults are required to register for vaccines online or call a city hotline to make an appointment.²⁰⁸ However, as mentioned above, many older adults do not have access to technology and/or Wi-Fi to access the registration page, while those who are able to access the Internet often have troubles navigating vaccine registration websites.²⁰⁹ For example, older adults have reported being confused by the multiple vaccine websites, many of which act in parallel to one other.²¹⁰ Further, there have been reports of malfunctioning registration websites, which have caused people to spend hours trying to schedule an appointment.²¹¹ Overall, older adults have reported spending hours online trying to reserve a vaccination appointment, and in many cases, after all of that time invested, they learned that there were no appointments available.²¹²

¹⁹⁹ *Id.*

²⁰⁰ Nicole Javorsky, "NYC Faces Uphill Climb in Vaccinating Older New Yorkers," January 29, 2021. Accessed at: <https://citylimits.org/2021/01/29/nyc-faces-uphill-climb-in-vaccinating-older-new-yorkers/>.

²⁰¹ Office of the Mayor, "Vaccine for All: City to Offer Transportation for NYC Seniors," January 17, 2021. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/035-21/vaccine-all-city-offer-transportation-nyc-seniors>.

²⁰² *Id.*

²⁰³ CUNY SPH, *Vaccine Confidence Grows Under New Administration, Latest CUNY SPH Survey Reveals*, January 2021. Accessed at: <https://sph.cuny.edu/research/covid-19-tracking-survey/january-vaccines/>

²⁰⁴ CUNY SPH, *Vaccine Confidence Grows Under New Administration, Latest CUNY SPH Survey Reveals*, January 2021, available at <https://sph.cuny.edu/research/covid-19-tracking-survey/january-vaccines/>

²⁰⁵ *Id.*

²⁰⁶ Dean Russel, "NYC Nursing Home Gave Dozens of Veterans Experimental COVID-19 Treatments. Some Families Had No Idea," (Feb. 8, 2021). Accessed at: <https://www.thecity.nyc/2021/2/8/22269886/nyc-nursing-home-veterans-cuomo-covid-cocktail>

²⁰⁷ Office of the Mayor, "Vaccine for All: City to Offer Transportation for NYC Seniors," January 17, 2021. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/035-21/vaccine-all-city-offer-transportation-nyc-seniors>

²⁰⁸ Sydney Pereira, "New Yorkers Eligible for COVID Vaccine Report Frustrations with City Registration Websites", GOTHAMIST, January 11, 2021, available at <https://gothamist.com/news/new-yorkers-eligible-vaccine-report-frustrations-city-registration-websites>.

²⁰⁹ Sharon Otterman, "The Maddening Red Tape Facing Older People Who Want the Vaccine," January 15, 2021, <https://www.nytimes.com/2021/01/14/nyregion/covid-vaccine-older-people-senior-citizens.html>

²¹⁰ Nicole Javorsky, "NYC Faces Uphill Climb in Vaccinating Older New Yorkers," January 29, 2021. Accessed at: <https://citylimits.org/2021/01/29/nyc-faces-uphill-climb-in-vaccinating-older-new-yorkers/>.

²¹¹ *Id.*

²¹² Sharon Otterman, "The Maddening Red Tape Facing Older People Who Want the Vaccine," January 15, 2021. Accessed at: <https://www.nytimes.com/2021/01/14/nyregion/covid-vaccine-older-people-senior-citizens.html>.

Although the City also offers a vaccination hotline for individuals who are unable to access the internet, this hotline has also produced frustration for older adults. For example, callers are required to have an email address, leaving seniors without one at a disadvantage.²¹³ There have also been reports of callers spending 30 minutes on hold after calling the hotline.²¹⁴

c. Proximity to Vaccination Sites

Following reports that vaccination sites were located far from many seniors' homes, the City announced several actions it would take to support older adults accessibility to vaccination sites.²¹⁵

On January 14, 2021, Mayor Bill de Blasio announced that the City would open vaccination clinics in New York City Housing Authority (NYCHA) developments to provide on-site vaccinations for residents aged 65 and older.²¹⁶ Vaccination clinics have begun operating at Van Dyke I & II Houses in Brooklyn, Polo Grounds Towers in Manhattan and Cassidy Lafayette Houses in Staten Island.²¹⁷

On January 17, 2021, Mayor de Blasio announced that the City would offer transportation services to individuals aged 65 and older who need transportation to and from COVID-19 vaccination appointments.²¹⁸ To ensure that older adults are aware of this resource, City-operated sites that schedule appointments ask older adults if they need transportation and if they do, they are directed to transportation options such as ambulette services, Access-a-Ride, and cab services.²¹⁹ The Mayor's office also announced that in a few weeks selected senior center programs will provide transportation to vaccine appointments for seniors, and that the Administration will offer about 10,000 rides weekly.²²⁰

Recently, on February 12, 2021, the Mayor also announced a plan to administer the vaccine to homebound older adults and home care workers.²²¹ The City will set up vaccination clinics at DFTA retirement communities and NYC's Housing Preservation and Development (HPD) senior buildings.²²² Two of these sites, Warbase Cares Program and Morningside Retirement & Health Services, will launch the week of February 15, with additional sites launching over the proceeding weeks.²²³

The City will also increase vaccinations for homecare aides, home health aides, and personal care aides by ensuring that they receive priority appointments at City vaccine sites and increased access to five workforce hubs.²²⁴ According to the announcement, the City aims to vaccinate 25,000 home health aides throughout the next month.²²⁵

d. New York City Aging Efforts

The New York City Department for the Aging, also known as NYC Aging, administers federal, state, and city funding to address service needs for older residents. Since the development of the COVID-19 vaccination, NYC Aging has supported the city with outreach to older adults.²²⁶ Currently, NYC Aging's website offers a resource hub that provides information about the vaccine, and NYC Aging Commissioner Lorraine Cortés-Vázquez is a member of the New York City's Vaccine Planning Group.²²⁷ Additionally, NYC Aging senior

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ Office of the Mayor, "Vaccine for All: City to Offer Transportation for NYC Seniors," January 17, 2021. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/035-21/vaccine-all-city-offer-transportation-nyc-seniors>.

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ Office of the Mayor, "Vaccine for All: City to Offer Transportation for NYC Seniors," January 17, 2021. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/035-21/vaccine-all-city-offer-transportation-nyc-seniors>.

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ Office of the Mayor, "Vaccine For All: City Expands Vaccination Effort For Seniors" February 12, 2021. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/104-21/vaccine-all-city-expands-vaccination-effort-seniors>.

²²² *Id.*

²²³ *Id.*

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ Testimony of NYC Aging, NYC Council Committees on Aging and Technology hearing. January 22, 2021.

²²⁷ *Id.*

provider organizations have helped older adults register for vaccines, and the City also recently announced that NYC Aging providers will be able to connect seniors to transportation services.²²⁸

Despite the aforementioned efforts and services, NYC Aging has been criticized for its ability to effectively support seniors with getting vaccinated.²²⁹ Many senior service providers and older adults have called for senior centers to become vaccination distribution sites, contending that seniors trust their senior centers and would feel more comfortable with obtaining a vaccination there in lieu of an unfamiliar organization and location.²³⁰ During a February 10, 2021 NYC Council hearing, Commissioner Cortez-Vasquez testified that while senior centers are not currently vaccination sites, the option is “never off the table.”²³¹

VII. LEGISLATION ANALYSIS

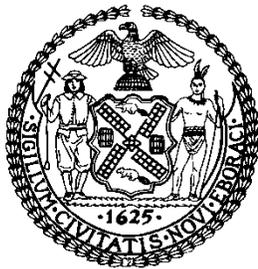
PROPOSED INT. NO. 2225-A: *A Local Law in relation to the establishment of a plan for COVID-19 vaccination of homebound seniors, reporting on such plan, and providing for the repeal of such provisions upon the expiration thereof*

Proposed Int. No. 2225-A would require the Commissioner of DOHMH, or any other entity as designated by the mayor, to establish a plan to vaccinate homebound seniors for COVID-19. That plan would be posted on the department’s website and provided to the Council within 30 days of the legislation’s passage. The Commissioner of Health and Mental Hygiene would also be required to report to the Council on implementation of the plan no less than once every two months after the plan is provided to the Speaker.

This law would take effect immediately and would expire and be deemed repealed on June 30, 2022.

Since introduction, Proposed Int. No. 2225-A was amended to clarify that the plan can be established by either the Commissioner of DOHMH or another entity as designated by the mayor. New language was added to require the agency to report on the number of doses administered and the total number of homebound seniors fully vaccinated through the plan’s efforts. Finally, the repeal date was changed from June 30, 2024 to June 30, 2022.

(The following is the text of the Fiscal Impact Statement for Int. No. 2225-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 2225-A

COMMITTEE: Health

TITLE: A Local Law in relation to the establishment of a plan for COVID-19 vaccination of homebound seniors, reporting on such plan, and providing for the repeal of such provisions upon the expiration thereof.

SPONSORS: Council Members Treyger, Yeger, Kallos, Holden and Lander.

²²⁸ Office of the Mayor, “Vaccine for All: City to Offer Transportation for NYC Seniors,” January 17, 2021. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/035-21/vaccine-all-city-offer-transportation-nyc-seniors>.

²²⁹ Testimony of Advocates, NYC Council Committees on Aging and Immigration hearing. February 10, 2021.

²³⁰ Testimony of Advocates, NYC Council Committees on Aging and Technology hearing. January 22, 2021.

²³¹ Testimony of NYC Aging, NYC Council Committees on Aging and Immigration hearing. February 10, 2021.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2225-A would require the Commissioner of Health and Mental Hygiene, or another designated agency, to establish a plan to vaccinate homebound seniors for COVID-19. That plan would be posted on the department's website and provided to the Council. The Commissioner of Health and Mental Hygiene, or another designated agency, would also be required to report to the Council on implementation of the plan.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY22 | Full Fiscal Impact FY22 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: It is anticipated that the proposed legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of Intro No. 2225-A as the designated agency would utilize existing resources to comply with the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Crielhien R. Francisco, Unit Head, NYC Council Finance Division
Noah Brick, Assistant Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 11, 2021 and was referred to the Committee on Health (Committee). A hearing was held by the Committee, jointly with the Committee on Aging and the Committee on Technology on February 17, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2225-A, will be considered on February 25, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2225-A will be submitted to the full Council for a vote on February 25, 2021.

DATE PREPARED: February 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2225-A:)

Int. No. 2225-A

By Council Members Treyger, Yeger, Kallos, Holden, Lander, Vallone, Gibson, Chin, Louis, Gjonaj, Moya and Rivera.

A Local Law in relation to the establishment of a plan for COVID-19 vaccination of homebound seniors, reporting on such plan, and providing for the repeal of such provisions upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. a. Definitions. For purposes of this local law, the term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

b. The commissioner of health and mental hygiene, or other entity as designated by the mayor, shall establish a plan to vaccinate homebound seniors for COVID-19. Such plan shall be published on the website of the department of health and mental hygiene and provided to the speaker of the council no later than 30 days after the effective date of this local law.

c. No less frequently than once every 2 months after the plan is provided to the speaker of the council in accordance with subdivision b, the commissioner of health and mental hygiene shall provide a report to the speaker of the council on the implementation of such plan. Such report shall include a description of the vaccination efforts specifically serving homebound seniors, the number of doses administered and the total number of homebound seniors fully vaccinated through those efforts, disaggregated by zip code, and any obstacles to implementation of such plan.

§ 2. This local law takes effect immediately and expires and is deemed repealed on June 30, 2022.

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., MARK TREYGER, PAUL A. VALLONE; Committee on Aging, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Economic Development

Report for Int. No. 1839-A

Report of the Committee on Economic Development in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to an annual report on the progress of the Brooklyn Navy Yard master plan.

The Committee on Economic Development, to which the annexed proposed amended local law was referred on December 19, 2019 (Minutes, page 4884), respectfully

REPORTS:

I. INTRODUCTION

On February 25, 2021, the Committee on Economic Development, chaired by Council Member Paul A. Vallone, held a second hearing and a vote on Proposed Int. No. 1839-A, sponsored by Council Member Vallone, in relation to an annual report on the progress of the Brooklyn Navy Yard master plan. The bill was approved by the Committee with eight votes in the affirmative, zero in the negative.

II. BACKGROUND

The Brooklyn Navy Yard (“the Navy Yard” or “the Yard”) is a 300-acre industrial park owned by the City and managed by the Brooklyn Navy Yard Development Corporation (“BNYDC”), a not-for-profit corporation charged with leasing, managing and developing the Navy Yard to create jobs and support the City’s industrial economy through its annual contract with the City.¹ BNYDC’s Board of Directors serves at the pleasure of the Mayor, and BNYDC is therefore considered a component unit of the City.² The Navy Yard provides stable, affordable space for industrial businesses, and is now home to over 450 businesses employing more than 11,000 people and generating over \$2.5 billion per year in economic activity for the City.³ The Navy Yard has been over 99 percent leased for the last 10 years, and BNYDC suggests there is strong demand for continued expansion.⁴

History of the Navy Yard

The Navy Yard was established in 1801 as a shipbuilding facility.⁵ It played an important role in the Civil War as the site of a naval hospital that served 25 percent of all Union patients in naval hospitals and supplied a large portion of medicine to Union soldiers.⁶ Its peak activity was during World War II, when around 70,000 people worked at the Yard.⁷ It was decommissioned in 1966 and sold to the City, which reopened it in 1969 under the management of the non-profit Commerce, Labor and Industry in the County of Kings (“CLICK”).⁸ CLICK managed the Yard from 1969 to 1981, a period that saw a steady loss of businesses and decline of industrial jobs at the Yard.⁹ BNYDC replaced CLICK in 1981 and embarked on an effort to diversify its tenant base to accommodate smaller industrial businesses throughout the 1980s and 1990s.¹⁰ The effort was effective, resulting in a 98 percent occupancy rate, 200 businesses, and 3,000 people employed there by 1998.¹¹ Since the early 2000s, the Yard has been in the midst of its largest expansion since World War II, including the marquee expansion of Steiner Studios, which opened in 2004, doubled in size in 2010, and began to expand in 2017.¹²

Ongoing \$1 Billion Expansion

At the time of the Committee’s last oversight hearing on the Navy Yard’s expansion plans in January 2019, the Yard was in the midst of a \$1 billion expansion that was expected to add more than 10,000 jobs by 2020 – bringing total employment at the Yard to over 17,000 jobs.¹³ The nearly complete \$1 billion expansion consists of several major developments. On the former Admirals Row (a row of former Naval officer homes) and 399 Sands Street, BNYDC planned to add 687,000 square feet of space,¹⁴ including a new 74,000 square-foot Wegmans supermarket, which opened in the fall of 2019,¹⁵ creating 500 jobs.¹⁶ Altogether, according to

¹ See Brooklyn Navy Yard, “About Us,” available at <https://brooklynnavyyard.org/about/mission>

² See Brooklyn Navy Yard, BNYDC Financial Statement 6.30.2020, available at <https://navy-yard-production-new.s3.us-east-2.amazonaws.com/vy27a3UMNcJsrgjTgVjVpM2H>

³ See About Us, *supra* note 1.

⁴ See David M. Levitt, *The \$2.5 Billion Plan to Turn Brooklyn’s Navy Yard Into a Tech Hub*, BLOOMBERG, January 31, 2018, available at <https://www.bloomberg.com/news/articles/2018-01-31/brooklyn-navy-yard-to-unveil-2-5-billion-vision-for-tech-hub>.

⁵ See Brooklyn Navy Yard, History of the Yard, available at <https://brooklynnavyyard.org/about/history>

⁶ See Michelle Young, *Inside Brooklyn Navy Yard’s Massive Expansion Plan Underway*, UNTAPPED CITIES, June 27, 2018, available at <https://untappedcities.com/2018/06/27/inside-brooklyn-navy-yards-massive-expansion-plan-underway/>.

⁷ See History of the Yard, *supra* note 5.

⁸ See *id.*

⁹ See *id.*

¹⁰ See *id.*

¹¹ See *id.*

¹² See *id.*

¹³ See Brooklyn Navy Yard, History of the Yard, available at <https://brooklynnavyyard.org/about/history>. As noted above, the Yard currently employs approximately 11,000 people.

¹⁴ See David Ehrenberg, President & CEO of the Brooklyn Navy Yard Development Corporation, Testimony before the New York City Council Committee on Economic Development, Jan. 23, 2019 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3830963&GUID=87594D79-5416-4462-BD5A-FA0907B26EDD>

¹⁵ See Amelia Nierenberg, *Wegmans Opens in Brooklyn; Fans Wait in the Rain, and Rejoice*, N.Y. TIMES, Oct. 27, 2019, available at <https://www.nytimes.com/2019/10/27/dining/wegmans-new-york-city-navy-yard.html>.

testimony of Navy Yard representatives at the 2019 hearing, the redevelopment of these sites was expected to add 2,000 jobs.¹⁷

Dock 72, a new building developed by private developers, also opened in the fall of 2019, adding 675,000 square feet of new mixed-use space for the industrial, creative, tech, and innovation sectors, with co-working shared office space provider WeWork as an anchor tenant.¹⁸ This building was expected to house 4,000 jobs.¹⁹

Building 77, a one million square-foot former storage facility, was redeveloped into a state of the art manufacturing, tech, and design hub and opened in November 2017.²⁰ It includes a 60,000 square-foot ground floor food manufacturing hub, anchored by Russ & Daughters appetizing store, and 60,000 square-feet of space occupied by Lafayette 148, a major global fashion brand.²¹ Building 77 was expected to eventually host 3,000 jobs.²² Additionally, a green manufacturing center was expected to add 260,000 sq. ft. of space and 800 jobs.²³ Finally, Steiner Studios is expanding to add 180,000 square-feet of sound stages, which will support 1,000 jobs.²⁴

According to the Navy Yard's website, the next three developments at the Yard are the renovation of Building 127, a 94,000 sq. ft. three-story building that will house manufacturing and office tenants; Building 212, 130,000 sq. ft. of move-in ready light industrial and office space located above Wegman's Supermarket; and the construction of Building 303, five floors being built above a parking structure that will house 210,000 sq. ft. of industrial and office space.²⁵ According to the website, Building 212 is move-in ready, and Buildings 127 and 303 were due to be completed in mid-2020.²⁶

III. \$2.5 BILLION NAVY YARD MASTER PLAN

In September 2018, BNYDC released a \$2.5 billion master plan for future expansion of the Yard that it expects will allow 30,000 people to work in the Yard by 2030.²⁷ It will add 5.1 million square feet of new space, increased public open space and retail, and improved wayfinding and circulation, and target a tenant job mix of 75 percent manufacturing, 20 percent creative office, and 5 percent amenities and services.²⁸ The plan is to fund the developments using revenue from current tenants, government and philanthropic subsidies, and tax credits, rather than relying on private developers as was done for Dock 72.²⁹

The master plan provides for the development of three sites along the edge of the Yard that are currently fenced or walled off from public streets: 1) near an unused barge basin near Kent Avenue, BNYDC will develop two buildings totaling 2.7 million square feet, a public plaza, and street-level retail; 2) on a current NYPD tow lot near Navy Street, BNYDC will develop plaza space and two buildings that will host a science and engineering museum, workforce development space, and STEM-oriented youth programs; and 3) on the site of a current warehouse near Flushing Avenue, BNYDC will develop two buildings totaling 1.4 million square-feet of manufacturing space, create a public market, and host a future NYC Ferry landing.³⁰ Several of these buildings will be so-called "vertical manufacturing buildings," which are designed to accommodate

¹⁶ See Li Yakira Cohen, *Wegmans' Brooklyn Navy Yard store hiring for hundreds of jobs*, AMNY, May 1, 2019 available at <https://www.amny.com/eat-and-drink/wegmans-brooklyn-1-30510298/>.

¹⁷ See David Ehrenberg, *supra* note 14.

¹⁸ See Valeria Ricciulli, *Brooklyn Navy Yard debuts 16-story office building at Dock 72*, CURBED NY, Oct. 15, 2019, available at <https://ny.curbed.com/2019/10/15/20915769/brooklyn-navy-yard-dock-72-wework-nyc>

¹⁹ See David Ehrenberg, *supra* note 14.

²⁰ See Michelle Young, *Inside Brooklyn Navy Yard*, *supra* note 6.

²¹ See N.Y.C. Mayor's Office, *New York Works: Creating Good Jobs at 62*, available at <https://newyorkworks.cityofnewyork.us/>.

²² See David Ehrenberg, *supra* note 14.

²³ See *id.*

²⁴ See *id.*

²⁵ See Brooklyn Navy Yard, "Development Highlights: What's Next at the Yard," available at <https://navy-yard-production-new.s3.us-east-2.amazonaws.com/qvH3EwEtkP97T1t3GZYMSHcH>.

²⁶ See *id.*

²⁷ See WXY Studio, "Brooklyn Navy Yard Master Plan," available at https://www.wxystudio.com/projects/urban_design/brooklyn_navy_yard_master_plan.

²⁸ See *id.*; See also Diana Budds, *Exclusive: The Brooklyn Navy Yard is reinventing architecture – and itself*, CURBED NEW YORK, Sep. 27, 2018, available at <https://ny.curbed.com/2018/9/27/17906392/brooklyn-navy-yard-master-plan-wxy-vertical-manufacturing>.

²⁹ See David M. Levitt, *The \$2.5 Billion Plan*, *supra* note 4.

³⁰ See *id.*

different manufacturing and commercial needs on different floors.³¹ Loading, staging, and retail space is located on ground floors and creative office space on the top floors, while heavy manufacturing requiring 40-foot ceilings is located on the middle floors, above the flood plain.³²

One of the goals of the three new developments is to integrate them better with the surrounding neighborhoods by improving public access where feasible and practical. David Ehrenberg, President and CEO of BNYDC explained the vision thus: “Through the master plan, we really tried to think about how to create a destination where we can interact with the city and draw on its strength, but in a way that seems right and consistent with who we are. We didn’t want big box retail, or things like that. We wanted to bring the city towards us based on who we are.”³³

In addition to the development of the three sites, BNYDC is also seeking a rezoning to have the entire Navy Yard designated as a special-use district, which would reduce parking requirements and the number of loading docks, while allowing for educational use.³⁴ It is currently designated as a “significant maritime industrial area,” a zoning designation that is part of the City’s Waterfront Revitalization Program.³⁵ BNYDC has partnerships with education programs in the City, and must request mayoral overrides to allow educational use in the Yard.³⁶ The Yard’s flagship educational program is the Brooklyn Science, Technology, Engineering, Arts & Math (“STEAM”) Center, a career and technical training center located in Building 77 where 11th and 12th grade students get hands on training in one of five career pathways that are an integral part of the Navy Yard: computer science, culinary arts and business management, construction technology, design and engineering, or media and film.³⁷

Challenges

The Navy Yard faces several challenges as it moves forward with expansion plans. Its location on the waterfront makes it especially prone to sea level rise, and resiliency remains a top priority. While new buildings are designed to hold heavy machinery floors well above the flood plain, older buildings are more vulnerable. BNYDC is currently experimenting with ways to waterproof walls around machinery that cannot be moved in older buildings, but this vulnerability may be a liability for manufacturers.³⁸ The master plan emphasizes that new buildings will be made resilient by having parking and loading spaces on the ground floors.³⁹

In addition to the challenge of waterfront resiliency, the Navy Yard also faces a challenge with respect to transportation access. The Yard is not well-served by public transportation – the closest subway stop is a 20-minute walk from Building 77. To help compensate for the inaccessibility for current workers at the Yard, BNYDC operates shuttle buses from Atlantic Terminal, Dumbo, and nearby subway stations.⁴⁰ In May 2019, the City’s NYC Ferry system opened a new ferry stop at the Brooklyn Navy Yard, as part of the expanded NYC Ferry Astoria route.⁴¹ According to the designers of the master plan, “The Master Plan envisions multi-modal spaces at the gates for shuttles, buses, bikeshare, and the potential BQX. The plan includes more bike and carshare opportunities, increased Navy Yard shuttle bus capacity and street improvements to maintain truck access while making the Yard more cyclist and pedestrian friendly.”⁴² BNYDC views the proposed Brooklyn-Queens Connector streetcar (“BQX”) as a “critical next component” of public transportation serving

³¹ See Diana Budds, *Exclusive*, *supra* note 28.

³² See *id.*

³³ See *id.*; see also Michelle Young, *Inside Brooklyn Navy Yard*, *supra* note 6.

³⁴ See Diana Budds, *Exclusive*, *supra* note 28.

³⁵ See Brooklyn Navy Yard SMIA, available at <https://www1.nyc.gov/assets/planning/download/pdf/applicants/wrp/bklynnavyard.pdf>; see also NYC DEPARTMENT OF CITY PLANNING, WRP Coastal Zone Boundary, available at <https://www1.nyc.gov/site/planning/data-maps/open-data/dwn-wrp.page>.

³⁶ See Diana Budds, *Exclusive*, *supra* note 28.

³⁷ See Brooklyn S.T.E.A.M. Center, <http://www.brooklynsteamcenter.org/> (last visited Nov. 16, 2020).

³⁸ See Diana Budds, *Exclusive*, *supra* note 28.

³⁹ See WXY Studio, *supra* note 27.

⁴⁰ See Brooklyn Navy Yard, “Plan Your Visit,” <https://brooklynnavyard.org/visit/direction-map> (last visited Nov. 16, 2020).

⁴¹ See Press Release, NYCEDC, Officials Celebrate the Start of NYC Ferry Service at The Brooklyn Navy Yard (May 20, 2019) available at <https://edc.nyc/press-release/officials-celebrate-start-nyc-ferry-service-brooklyn-navy-yard>.

⁴² See *id.*; see also WXY Studio, *supra* note 27.

the Yard.⁴³ The BQX currently appears to be stalled for lack of funding, so its potential as a vehicle for increased transportation accessibility to the Yard is unclear.⁴⁴

Finally, as the BNYDC President and CEO has pointed out, the Yard faces “a natural cap of growth of jobs ... unless [it] can start building new construction. But building new construction for manufacturing companies has real challenges.”⁴⁵ Thus far, except for Dock 72, all BNYDC redevelopments have been of old buildings inherited from the Navy and have not used private developers.⁴⁶ While BNYDC is not particularly well-suited for new market-rate construction of manufacturing space, there is potential for using Dock 72 as a model while remaining within the mission of BNYDC to provide affordable industrial spaces.⁴⁷

IV. WORKFORCE DEVELOPMENT

A major component of the Navy Yard’s mission is to create and preserve high-quality jobs and connect the local community with economic opportunity at the Yard.⁴⁸ To this end, the Yard operates the Albert C. Wiltshire Employment Center (“the EC”), which helps businesses in and around the Yard hire and retain their workforce, and connects local residents to high-quality job opportunities.⁴⁹ In Fiscal Year 2019, the EC helped 589 candidates find jobs at the Yard, a record in its 20-year history.⁵⁰ This figure includes 91 people hired to work at Wegman’s.⁵¹ Overall, the Yard is a major generator of local economic opportunity. Ninety percent of its workforce are Brooklyn residents, 36 percent are public housing residents, 18 percent were long-term unemployed prior to their employment at the Yard, and 18 percent have been previously incarcerated or convicted.⁵² The majority of the Yard’s workforce does not have a college degree.⁵³

To foster a local talent pipeline for jobs at the Yard and beyond, the Yard also runs internship programs, serving over 150 students annually.⁵⁴ In Fiscal Year 2019, 55 businesses at the Yard hosted 155 interns, working on projects including working at the Russ & Daughters bakery, 3D printing projects, fabricating furniture and interiors, assembling and repairing computers, making film, and refurbishing a shipping container into a prototype living space.⁵⁵ As noted above, the Yard also operates the STEAM Center, which produced 96 graduates in Fiscal Year 2019, 57 percent of whom graduated with an internship and 79 percent of whom graduated with an industry credential.⁵⁶ The Committee had the opportunity to tour the STEAM Center and see the students at work in June 2019.

V. BROOKLYN NAVY YARD DURING THE COVID-19 CRISIS

For most of its history, the Navy Yard functioned as an industrial manufacturing site to help the nation prepare for and fight wars. During the height of the COVID-19 pandemic in New York City in the spring and early summer of 2020, the Yard went back to its roots as a manufacturer of essential equipment in a time of crisis. During the first weeks of the COVID-19 pandemic, the City faced a server shortage of personal protective equipment (“PPE”), and medical equipment for hospitals, including face shields, hospital gowns, masks and ventilators. In coordination with City agencies including the Mayor’s Office, the

⁴³ See Diana Budds, *Exclusive*, *supra* note 28.

⁴⁴ See Julianne Cuba, *The BQX Streetcar Is On Hold — And Should Be Killed Outright*, *Say Critics*, STREETS BLOG NYC, May 4, 2020, available at

<https://nyc.streetsblog.org/2020/05/04/the-bqx-streetcar-appears-to-be-on-hold-good-riddance-say-critics/>

⁴⁵ See *id.*; see also History of the Yard, *supra* note 5.

⁴⁶ See Michelle Young, *Inside Brooklyn Navy Yard*, *supra* note 6.

⁴⁷ See *id.*

⁴⁸ See Brooklyn Navy Yard, “About Us,” available at <https://brooklynnavyyard.org/about/mission>

⁴⁹ See *id.*

⁵⁰ See Brooklyn Navy Yard, “FY19 Workforce Development Impact Report,” available at <https://navy-yard-production-new.s3.us-east-2.amazonaws.com/hvTIWpDQfjUwTaR8CrtzbHD>.

⁵¹ See *id.*

⁵² See *id.*

⁵³ See *id.*

⁵⁴ See *id.*

⁵⁵ See *id.*

⁵⁶ See *id.*

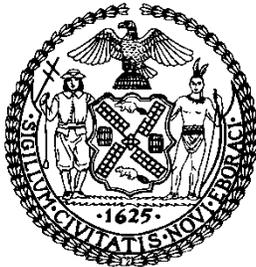
Department of Small Business Services, and the Department of Health & Mental Hygiene, the Navy Yard helped its manufacturing businesses quickly pivot to manufacturing desperately needed PPE. In a report released in July 2020, the Navy Yard reported that in the first six weeks of the pandemic, Navy Yard businesses produced over 750,000 pieces of PPE and other medical equipment, and within 12 weeks had produced nearly two million items.⁵⁷ By mid-April, the Navy Yard had produced an estimated 25 percent of the City’s PPE.⁵⁸ Twenty-seven different manufacturing businesses at the Yard participated in this effort by pivoting their operations to PPE production.⁵⁹

The Yard also took a proactive approach in helping its businesses, the majority of whom suffered severe revenue losses due to the business closures during the pandemic, secure federal relief funding through the Paycheck Protection Program (“PPP”).⁶⁰ In total, Yard businesses were able to secure over 100 PPP loans totaling over \$10 million to help keep their operations afloat.⁶¹

VI. LEGISLATIVE ANALYSIS

The proposed legislation would require contracts between the City and BNYDC, with a value of \$20,000 or more, include a provision that BNYDC will submit an annual progress report for the duration of the contract to the Mayor and City Council. This would include the Navy Yard’s master plan contract when up for renewal, and any other such contract entered into on or after April 1, 2021. Reports would begin coming to the Mayor and Council in 2023.

(The following is the text of the Fiscal Impact Statement for Int. No. 1839-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 1839-A
COMMITTEE: Economic Development**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to an annual report on the progress of the Brooklyn Navy Yard master plan.

Sponsors: By Council Members Vallone and Louis.

⁵⁷ See Brooklyn Navy Yard, “The Can-Do Yard: Brooklyn Navy Yard Development Corporation COVID-19 Response & Recovery Report # 1” (Jul. 1, 2020) available at <https://navy-yard-production-new.s3.us-east-2.amazonaws.com/nWD1yYbt6aXGfLvmnKTPb59B>.

⁵⁸ See *id.*

⁵⁹ See *id.*

⁶⁰ See *id.*

⁶¹ See *id.*

SUMMARY OF LEGISLATION: Proposed Int. No. 1839-A would require that each contract with a value in excess of \$20,000,000 registered by the comptroller, on or after April 1, 2021, between the Department of Small Business Services and a Brooklyn Navy Yard development entity include a provision obligating the Brooklyn Navy Yard development entity to submit a report no later than January 15 of each calendar year to the mayor and the speaker of the council regarding the entity's progress toward achieving the goals set forth in its master plan.

EFFECTIVE DATE: This local law would take effect immediately provided that the report required by section three of the legislation would not be required for any calendar year prior to 2023.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY22 | Full Fiscal Impact FY22 |
|-------------------------|---------------------------|---|------------------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be no fiscal impact on expenditures resulting from the enactment of this legislation as existing resources would be used to fulfill the requirements set forth.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Aliya Ali, Principal Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Nathan Toth, Deputy Director
Crielhien Francisco, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on December 19, 2019 as Int. No. 1839, and was referred to the Committee on Economic Development (Committee). A hearing was held by the Committee on November 20, 2020, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1839-A, will be voted on by the Committee at a hearing on February 25, 2021. Upon successful vote by the Committee, Proposed Int. No. 1839-A will be submitted to the full Council for a vote on February 25, 2021.

DATE PREPARED: February 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1839-A:)

Int. No. 1839-A

By Council Members Vallone, Louis and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to an annual report on the progress of the Brooklyn Navy Yard master plan

Be it enacted by the Council as follows:

Section 1. Section 22-821 of the administrative code of the city of New York is amended by adding new definitions of “Brooklyn navy yard development entity” and “master plan” in appropriate alphabetical order to read as follows:

Brooklyn navy yard development entity. The term “Brooklyn navy yard development entity” means a not-for-profit corporation that contracts with the city to lease and/or operate the area encompassing block 2023, lots 1, 50 and 150 in Kings county, commonly known as the Brooklyn navy yard.

Master plan. The term “master plan” means a Brooklyn navy yard development entity’s plan for the overall utilization of the property encompassing block 2023, lots 1, 50 and 150 in Kings county, commonly known as the Brooklyn navy yard.

§ 2. The definition of “contracted entity” in section 22-821 of the administrative code of the city of New York, as amended by local law number 222 for the year 2017, is amended to read as follows:

Contracted entity. The term “contracted entity” means a local development corporation or other not-for-profit corporation, a majority of whose members are appointed by the mayor, that contracts with the city to provide or administer economic development benefits on behalf of the city and expending city capital appropriations in connection therewith, except that such term does not include the Brooklyn navy yard development [corporation or any successor entity that becomes the lessee and/or operator of block 2023, lots 1, 50 and 150 in Kings county, commonly known as the Brooklyn navy yard] *entity*.

§ 3. Subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-826 to read as follows:

§ 22-826. Brooklyn navy yard master plan annual report. Each contract with a value in excess of \$20,000,000 registered by the comptroller, on or after April 1, 2021, between the department and a Brooklyn navy yard development entity shall include a provision obligating the Brooklyn navy yard development entity to submit a report no later than January 15 of each calendar year during which such contract is in effect to the mayor and the speaker of the council regarding such entity’s progress toward achieving the goals set forth in its master plan.

§ 4. This local law takes effect immediately, provided that the report required pursuant to section 22-826 of the administrative code of the city of New York, as added by section three of this local law, shall not be required for any calendar year prior to 2023.

PAUL A. VALLONE. *Chairperson*; PETER A. KOO, BRADFORD S. LANDER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr, MARK GJONAJ, KEITH POWERS, FARAH N. LOUIS; Committee on Economic Development, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Levin.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Environmental Protection

Report for Int. No. 1591-B

Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law in relation to conducting a study regarding the feasibility of constructing a new wastewater treatment facility on Rikers Island.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2208), respectfully

REPORTS:

I. INTRODUCTION

On February 25, 2021, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, voted on Int. No. 1591-B, in relation to conducting a study regarding the feasibility of constructing a new wastewater treatment facility on Rikers Island.

The Committee previously held a hearing on Int. No. 1591 on January 29, 2020 and received testimony from the New York City Mayor's Office of Sustainability, Mayor's Office of Resiliency, Department of Environmental Protection, utility companies, decarceration advocates, environmental and climate justice experts and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3tC2UhD>.

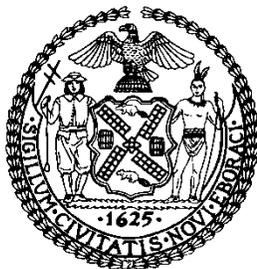
II. INT. NO. 1591-B

Int. No. 1591-B would require the Commissioner of Environmental Protection, in consultation with the Commissioner of Sanitation, to study the feasibility of constructing a new wastewater treatment facility on Rikers Island. The legislation would also require the Commissioner of Environmental Protection to assess the presence of methane on Rikers Island and the potential to install methane recovery systems. This local law would take effect immediately.

III. UPDATE

On February 25, 2021, the Committee adopted Int. No. 1591-B by a vote of four in the affirmative, zero in the negative. Accordingly, the Committee recommends the adoption of this legislation.

(The following is the text of the Fiscal Impact Statement for Int. No. 1591-B:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO. 1591-B

COMMITTEE: Environmental Protection

TITLE: A Local Law in relation to conducting a study regarding the feasibility of constructing a new wastewater treatment facility on Rikers Island.

SPONSORS: Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Dromm, Ayala, Levin, Reynoso, Lander, Chin, Menchaca, Koo, Rivera, Powers, Cabrera, Rodriguez, Holden, Vallone, Levine, Van Bramer, Yeger, Gjonaj, Perkins, Grodenchik, Treyger, Gibson, Cornegy, Eugene, Barron, Maisel, Cumbo, Moya, Rose, Adams, Ampry-Samuel, D. Diaz, and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. 1591-B would require the Department of Environmental Protection (DEP) and the Department of Sanitation (DSNY) to study the feasibility of constructing a new wastewater treatment facility on Rikers Island. Additionally, this legislation would require the DEP to assess the presence of methane on Rikers Island and the potential to install methane recovery systems. Lastly, within three years after this local law would take effect, DEP would be required to submit a report, including findings and recommendations relating to the feasibility study and the review regarding the presence of methane, to the Mayor, the Speaker of the Council, and the Rikers Island advisory committee, and be made publicly available on DEP's webpage.

EFFECTIVE DATE: This local law would take effect immediately and would expire and be deemed repealed on and after the date that the report due pursuant to section one of this local law has been submitted to the Mayor, the Speaker of the Council and the Rikers Island advisory committee.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY22 | Full Fiscal Impact FY22 |
|-------------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | (\$50,000) | (\$200,000) | (\$250,000) |
| Net | (\$50,000) | (\$200,000) | (\$250,000) |

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is estimated that the impact on expenditures resulting from the enactment of this legislation would be approximately \$50,000 in Fiscal 2021 and \$200,000 in Fiscal 2022, to cover the costs related to conducting a feasibility study on the build-out of a new wastewater treatment plant/methane capture technology installation on Rikers Island.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jonathan Seltzer, Senior Financial Analyst

ESTIMATE REVIEWED BY: Crilhien Francisco, Unit Head
Noah Brick, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was reintroduced to the Council as Intro. No. 1591 on June 13, 2019 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation on January 29, 2020 and the legislation was laid over. The legislation was subsequently amended twice and the most recently amended version, Proposed Intro. No. 1591-B, will be considered by the Committee on February 25, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1591-B will be submitted to the full Council for a vote on February 25, 2021.

DATE PREPARED: February 23, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1591-B:)

Int. No. 1591-B

By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Dromm, Ayala, Levin, Reynoso, Lander, Chin, Menchaca, Koo, Rivera, Powers, Cabrera, Rodriguez, Holden, Vallone, Levine, Van Bramer, Yeger, Gjonaj, Perkins, Grodenchik, Treyger, Gibson, Cornegy, Eugene, Barron, Maisel, Cumbo, Moya, Rose, Adams, Ampry-Samuel, D. Diaz and Ulrich.

A Local Law in relation to conducting a study regarding the feasibility of constructing a new wastewater treatment facility on Rikers Island

Be it enacted by the Council as follows:

Section 1. The commissioner of environmental protection, in consultation with the commissioner of sanitation, shall conduct a study to assess the feasibility of constructing a wastewater treatment facility on Rikers Island. The study shall consider population projections and possible alternatives to wastewater treatment and disposal, as well as the minimum and maximum capacity a wastewater treatment facility on Rikers Island should have, how much wastewater might be able to be diverted from other facilities, and the capacity on Rikers Island for the capture of combined sewer overflow. Such study shall also consider the potential for organic waste recycling via composting operations, organics co-digestion, and biosolids reuse. The commissioner shall also assess, in a separate review, the presence of methane on Rikers Island, the potential for the installation of methane recovery systems, and the use of such systems by any such wastewater treatment facility. Such methane assessment should consider the return on investment of municipally built and operated methane recovery systems, the potential for public-private partnerships, and the potential for the use of methane for electricity generation. As part of such feasibility study, and separate methane review, the website of the department of environmental protection and other online means of communication shall be expanded to include interactive content and solicit public comment. The Rikers Island advisory committee established pursuant to subdivision b of section 4-215 of the administrative code of the city of New York shall make recommendations to the department regarding such feasibility study and separate methane review. Within 36 months after this local law takes effect, the commissioner of environmental protection shall submit a report, including findings and recommendations relating to the feasibility study and the review regarding the presence of methane, to the mayor, the speaker of the council, and the Rikers Island advisory committee, and make such report publicly available on the website of the department of environmental protection.

§ 2. This local law takes effect immediately and shall expire and be deemed repealed on and after the date that the report due pursuant to section one of this local law has been submitted to the mayor, the speaker of the council and the Rikers Island advisory committee.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ; Committee on Environmental Protection, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins, Vallone and Eugene.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Finance

Report for Int. No. 2046-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to capital commitment plans and capital project detail data reports.

The Committee on Finance, to which the annexed proposed amended local law was referred on August 27, 2020 (Minutes, page 1713), respectfully

REPORTS:

I. Introduction

On February 25, 2021, the Committee on Finance, chaired by Council Member Daniel Dromm, will hold a hearing on Proposed Int. No. 2046-A, sponsored by Council Member Lander, a local law to amend the New York city charter, in relation to capital commitment plans and capital project detail data reports. This will be the second hearing on this legislation. The Committee first considered the legislation at a hearing held on December 9, 2020 in which it heard testimony from representatives from the New York City Office and Management and Budget.

II. Background

The Capital Budget sets out the funds available for capital projects for the coming fiscal year, and estimates the funds needed in each of the three following years.¹ The Capital Budget covers large long-term investments in facilities and infrastructure, or capital projects, which involve “the construction, reconstruction, acquisition or installation of a physical public betterment or improvement” with a value of \$50,000 or more, and a “useful life” of at least five years.² Physical public improvements consist of, but are not limited to, streets, parks, bridges, tunnels, sewers, housing, etc.³ There are three iterations of the Capital Budget each year. By January 16, the Mayor must submit a Preliminary Capital Budget to the Council and by April 26 an Executive Capital Budget.⁴ At budget adoption each year, the City Council then adopts the Adopted Capital Budget alongside the Adopted Expense Budget.

Also three times a year, the Mayor’s Office of Management and Budget (“OMB”) issues the Capital Commitment Plan (“Commitment Plan”), which authorizes the projects in the current fiscal year and for the subsequent three years within the limits of the Adopted Capital Budget.⁵ The first Commitment Plan is published several months the adoption of the Capital Budget.⁶ Updated Commitment Plans are issued with the Preliminary and Executive budget proposals, in January and April thereafter.⁷ While the Commitment Plans are not project tracking documents, they are intended to provide a report of the progress of the City’s capital

¹ See N.Y.C. Charter § 254.

² See generally N.Y.C. Charter § 210; see also NYC Comptroller, Directive #10: Charges To The Capital Projects Fund, June 20, 2019, available at <https://comptroller.nyc.gov/wp-content/uploads/documents/Directive-10-Charges-to-the-Capital-Projects-Fund-Final.pdf> (last accessed December 7, 2020).

³ See *id.*

⁴ See generally N.Y.C. Charter §§ 236 and 249.

⁵ See generally N.Y.C. Charter § 219.

⁶ See *id.*

⁷ See *id.*

projects, including schedules and clear explanations of any delays for particular prospects and summary information on each agency's record on such matters.⁸

For more detailed project tracking, OMB also releases a detailed, multi-volume report, known as the Capital Project Detail Data Report, simultaneous with the release of each Commitment Plan. This report tracks the status of each capital project in the Commitment Plan and presents information on its cost, budget, scope, and milestones, and, where applicable, the community board in which the project was located.⁹

The current language of the Charter does not clearly delineate the requirements and timelines of the Commitment Plans and the Capital Project Detail Data Reports. Specifically, there is ambiguity about which of “periodic reports” are required at specified intervals three times a year.¹⁰

Proposed Int. No. 2046-A proposes to clarify and codify the existing requirement and practice of the mayor issuing capital commitment plans and capital project detail reports, making it so that both are required to be released at least three times a year, which will promote transparency in the capital process and provide assurances to the public that city resources are being put into good use in an efficient and effective manner.

III. Analysis of Proposed Int. No. 2046-A

Section 1 of Proposed Int. No. 2046-A would clarify that the mayor shall prepare a capital commitment plan at least three times each year: no later than 90 days after the adoption of the capital budget which shall include information for the ensuing four fiscal years; with the preliminary capital budget which shall include information for the current fiscal year and the ensuing four fiscal years; and with the executive capital budget which shall include information for the current fiscal year and the ensuing four fiscal years.

Section 1 of Proposed Int. No. 2046-A would further clarify that each capital commitment plan shall include, for the current year and each ensuing fiscal year for which information is included, appropriations and commitments by project type and planned commitments by agency; and for each capital project, as applicable, a description of such project, the schedule of planned commitments for the current year and each ensuing fiscal year for which information is included, available appropriations, expenditures and the current milestone associated with such project; and for the prior four fiscal years, commitments by project type and total expenditures by fiscal year.

Section 1 of Proposed Int. No. 2046-A would additionally clarify that the mayor shall prepare periodic capital project detail data reports in regard to the progress of its capital projects, including schedules and clear explanations of any delays for particular projects and summary information on each agency's record on such matters, at least three times each year: no later than 120 days after the adoption of the capital budget; no later than 30 days after submission of the preliminary capital budget; and no later than 30 days after submission of the executive capital budget.

Section 1 of Proposed Int. No. 2046-A would further create a new definition for the term “commitment”, which would mean a procurement contract for the development or execution of a capital project registered with the comptroller pursuant to section 328, or otherwise made effective; and create a new definition for the term “planned commitment”, which would mean a procurement contract provisionally approved by the director of management and budget that, if registered pursuant to section 328 or otherwise made effective, would constitute a commitment

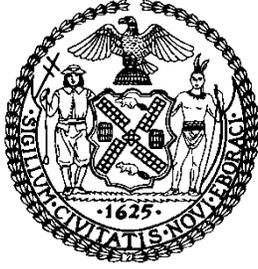
Section 2 of Proposed Int. No. 2046-A would require that such local law take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 2046-A:)

⁸ See *id.*

⁹ See Report, New York City Independent Budget Office, *A Guide to the Capital Budget* (July 2018), available at <https://ibo.nyc.ny.us/iboreports/capital-budget-guide-2018.pdf> (last accessed December 7, 2020); see also Budget Publications Descriptions, Mayor’s Office of Management and Budget, available at <https://www1.nyc.gov/site/omb/publications/description-of-all-publications.page> (last accessed December 7, 2020).

¹⁰ See N.Y.C. Charter § 219(d).



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 2046-A

COMMITTEE: Finance

TITLE: A Local Law to amend the New York city charter, in relation to capital commitment plans and capital project detail data reports. **SPONSOR(S):** Council Members Rosenthal, Lander, Salamanca and Gibson.

SUMMARY OF LEGISLATION: Proposed Int. No. 2046-A would clarify and codify the existing requirement and practice of the Mayor issuing capital commitment plans and capital project detail reports. The current language of the Charter does not clearly delineate the requirements and timelines of the two distinct reports that are produced. This local law would require that capital commitment plans be issued three times a year (within 90 days of the adopted budget and with submission of the preliminary and executive budgets). The capital commitment plans must include for the relevant fiscal years appropriations and planned commitments by project type; planned commitments by agency; for each capital project, as applicable, a description of such project, the schedule of planned commitments, available appropriations, expenditures and the current milestone associated with such project; and commitments by project type and total expenditures for the prior four fiscal years. The capital project detail reports, which are periodic reports on the progress of capital projects, would also be issued three times a year (within 120 days of the adopted budget and within 30 days of the submission of the preliminary and executive budgets).

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY22 | Full Fiscal Impact FY22 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by the Administration to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 27, 2020 as Intro. No. 2046 and was referred to the Committee on Finance (the Committee). A hearing was held by the Committee on December 9, 2020 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 2046-A, will be considered by the Committee on February 25, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on February 25, 2021.

DATE PREPARED: February 23, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2046-A:)

Int. No. 2046-A

By Council Members Lander, Salamanca, Gibson and Rosenthal.

A Local Law to amend the New York city charter, in relation to capital commitment plans and capital project detail data reports

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 219 of the New York city charter, the opening paragraph of such subdivision as amended by local law number 37 for the year 2020, and paragraphs 1 through 3 of such subdivision as added by a vote of the electors on November 7, 1989, is amended to read as follows:

d. 1. *The mayor shall ensure the preparation of capital commitment plans in the form of periodic reports in regard to capital projects. Such reports shall be published at least three times each year as follows: a report that includes information for the current year and the ensuing three fiscal years shall be published no later than 90 days after the adoption of the capital budget; a report that includes information for the current fiscal year and the ensuing four fiscal years shall be published with the preliminary capital budget; and a report that includes information for the current fiscal year and the ensuing four fiscal years shall be published with the executive capital budget. Each report shall include:*

(a) for the current year and each ensuing fiscal year for which information is included, appropriations and planned commitments by project type and planned commitments by agency;

(b) for each capital project, as applicable, a description of such project, the schedule of planned commitments for the current year and each ensuing fiscal year for which information is included, available appropriations, expenditures and the current milestone associated with such project; and

(c) for the prior four fiscal years, commitments by project type and total expenditures by fiscal year.

2. The mayor shall [require each agency to prepare and submit] *ensure the preparation of periodic capital project detail data reports in regard to the progress of [its] capital projects, including schedules and clear explanations of any delays for particular projects and summary information on each agency's record on such matters. Such capital project detail data reports shall be published at least three times each year: no later than 120 days after the adoption of the capital budget; no later than 30 days after submission of the preliminary capital budget; and no later than 30 days after submission of the executive capital budget.*

3. Copies of [such] reports *required by paragraphs 1 and 2 of this subdivision* shall be transmitted by the mayor to the council, the city planning commission, the community boards, the borough boards and borough presidents, and posted online on the website of the office of management and budget in a machine-readable format. [Such reports shall include, for each project, the dates set in the adopted capital budget for the completion of scope, design, and construction and any changes in such dates.

1. The report issued with the executive budget shall include, for each new capital project being proposed in the executive budget, a description of the project including, to the extent practicable, the information required to be included in a scope of project by paragraph four of section two hundred ten.

2. The report issued following the adoption of the budget shall include, for each capital project added to the budget, a description of the project including, to the extent practicable, the information required to be included in a scope of project by paragraph four of section two hundred ten.

3. The report issued following the adoption of the budget shall include, for each capital project for which a substantial change was made, a revised description of the project including, to the extent practicable, the information required to be included in a scope of project by paragraph four of section two hundred ten.]

4. *As used in this subdivision, the following terms have the following meanings:*

Commitment. The term "commitment" means a procurement contract for the development or execution of a capital project that is registered pursuant to section 328 or otherwise made effective.

Planned commitment. The term "planned commitment" means a procurement contract provisionally approved by the director of management and budget that, if registered pursuant to section 328 or otherwise made effective, would constitute a commitment.

§ 2. This local law takes effect immediately.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, STEVEN MATTEO; Committee on Finance, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Int. No. 2230

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the New York city charter, in relation to the date by which the council shall submit recommendations in regard to the preliminary budget.

The Committee on Finance, to which the annexed preconsidered proposed local law was referred on February 25, 2021, respectfully

REPORTS:

I. Introduction

On February 25, 2021, the Committee on Finance, chaired by Council Member Daniel Dromm, will hold a hearing on Preconsidered Int., sponsored by Council Member Dromm, titled a local law to amend the New York city charter, in relation to the date by which the council shall submit recommendations in regard to the preliminary budget. This is the first hearing on this legislation.

II. Background

Pursuant to the New York City Charter (the “Charter”), the Council’s primary roles in the budget process are oversight, recommending changes to the Preliminary Budget, and adopting the budget.

The budget process begins with the Preliminary Budget. By January 16 of each year, the Mayor must submit to the Council a Preliminary Budget.¹ The Preliminary Budget must consist of proposed operating and capital expenditures, and forecast of revenues for the upcoming fiscal year and three subsequent years.² The Council must then hold oversight hearings on the Preliminary Budget by March 25.³ Those hearings are intended to cover the program objectives and fiscal implications of the Preliminary Budget, the statements of budget priorities of the Community Boards and Borough Boards, the draft Ten-Year Capital Strategy and the report of the City Planning Commission on such strategy, and on the status of capital projects and expense appropriations previously authorized.⁴ At the conclusion of such hearings, the Council submit recommended changes to the Preliminary Budget to the Mayor also on March 25.⁵

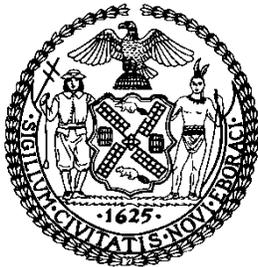
Historically, the Council has enacted legislation extending the dates for the Charter-prescribed actions relating to certain steps of the budget adoption process as well as other dates for related actions in the budget process. In order to provide the Council with sufficient time to prepare the response to the Preliminary Budget after the conclusion of the budget hearings, the proposed legislation would extend the date in which the Council must submit those recommended changes from March 25 to April 1.

III. Analysis of Preconsidered Int. 2230

Section 1 of Preconsidered Int. would provide for an extension of the date by which the Council must submit its recommendations on the preliminary budget, including recommendations for any changes in the unit of appropriation structure which the Council deems appropriate, from March 25 to April 1.

Section 2 of Preconsidered Int. would require that the local law take effect immediately, except that if it becomes law after March 25, 2021, it is retroactive to and deemed to have been in full force and effect as of March 25, 2021.

(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 2230:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INTRO. 2230

COMMITTEE: Finance

TITLE: A Local Law to amend the New York city charter, in relation to the date by which the council shall submit recommendations in regard to the preliminary budget

SPONSOR(S): Council Member Dromm.

¹ See N.Y.C. Charter § 236.

² See N.Y.C. Charter § 101.

³ See N.Y.C. Charter § 247(a).

⁴ See *id.*

⁵ See N.Y.C. Charter § 247(b).

SUMMARY OF LEGISLATION: This local law would change the date by which the City Council must submit recommendations in regard to the Preliminary Budget from March 25 to April 1.

EFFECTIVE DATE: This local law would take effect immediately, except that if it becomes law after March 25, 2021, it is retroactive to and deemed to have been in full force and effect as of March 25, 2021.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY22 | Full Fiscal Impact FY22 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation will be considered as a Preconsidered Introduction by the Committee on Finance (Committee) on February 25, 2021. Upon a successful vote by the Committee, the bill will be submitted to the full Council for introduction and vote on February 25, 2021.

DATE PREPARED: February 23, 2021.

Accordingly, this Committee recommends its adoption.

(The following is the text of Preconsidered Int. No. 2230:)

Int. No. 2230

By Council Member Dromm.

A Local Law to amend the New York city charter, in relation to the date by which the council shall submit recommendations in regard to the preliminary budget

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

b. Findings and recommendations of the council, or its committees, including recommendations for any changes in the unit of appropriation structure which the council deems appropriate, shall be submitted to the mayor and published not later than the [twenty-fifth day of March] *first day of April*. The net effect of the changes recommended by the council in the preliminary capital budget shall not result in a capital budget which exceeds the maximum amount set forth in the preliminary certificate issued pursuant to section two hundred thirty-five of this charter.

§ 2. This local law takes effect immediately, except that if it becomes law after March 25, 2021, it is retroactive to and deemed to have been in full force and effect as of March 25, 2021.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, STEVEN MATTEO; Committee on Finance, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Int. No. 2231

Report of the Committee on Finance in favor of approving and adopting, a Local Law in relation to extending to the 2021–22 assessment roll the renewal of certain residential property taxation exemptions received on the 2020–21 assessment roll for persons 65 years of age or over and persons with disabilities, and to provide for the repeal thereof.

The Committee on Finance, to which the annexed preconsidered proposed local law was referred on February 25, 2021, respectfully

REPORTS:

I. Introduction

On February 25, 2021, the Committee on Finance, chaired by Council Member Daniel Dromm, will hold a hearing on Preconsidered Int. No., a Local Law in relation to extending to the 2021–22 assessment roll, the renewal of certain residential property taxation exemptions received on the 2020–21 assessment roll for persons 65 years of age or over and persons with disabilities, and to provide for the repeal thereof.

II. SCHE and DHE Background

The senior citizen homeowners exemption (SCHE) provides a partial exemption from real property taxes for eligible New York City senior citizens with a combined annual income of \$58,399 or less who own and occupy own one-, two-, or three-family homes, condominiums, or cooperative apartments.¹ Similarly, the persons with disabilities homeowner exemption (DHE) provides a partial exemption from real property taxes

¹ N.Y.C. Admin Code § 11-245.3.

for eligible New York City senior citizens with a combined annual income of \$58,399 or less who own and occupy own one-, two-, or three-family homes, condominiums, or cooperative apartments.²

While SCHE and DHE are administered by the City's DOF, like all property tax exemptions they are authorized by State law.³ State law defines many aspects of the exemptions, down to renewal requirements for both exemptions – biannual renewal for SCHE,⁴ annual renewals for DHE,⁵ and, for both exemptions, renewal applications must be received on or before March 15 of the applicable year.⁶

III. COVID-19 Emergency Eviction and Foreclosure Prevention Act

On December 28, 2020, Governor Cuomo signed into law the COVID-19 Emergency Eviction and Foreclosure Prevention Act.⁷ The law's legislative findings included that the COVID-19 pandemic had brought about “widespread economic and societal disruption” and that “stabilizing the housing situation for tenants, landlords, and homeowners is to the mutual benefit of all New Yorkers and will help the state address the pandemic, protect public health, and set the stage for recovery.”⁸ Among provisions suspending evictions,⁹ foreclosures,¹⁰ and lien sales,¹¹ as well as providing credit reporting protections for impacted landlords,¹² was a freestanding section that related to SCHE and DHE exemptions.¹³

Specifically, the law required that local governments administering SCHE and DHE exemptions carry over SCHE and DHE exemptions from the 2020 assessment roll to the 2021 assessment roll at the same levels, and provide renewal applications, via electronic or postal mail, for those individuals who may be eligible for a larger exemption in 2021.¹⁴ While local governments were permitted to specify procedures wherein local assessors may require renewal applications from recipients they believe may no longer qualify, in no event may recipients be required to show up in person to file.¹⁵

IV. DOF Interim Guidance

Shortly after the COVID-19 Emergency Eviction and Foreclosure Prevention Act was signed into law, DOF prepared guidance advising that as a result of the State law, most SCHE and DHE recipients will not be required to renew their benefits this year, and that while renewal letters would be mailed if the exemption recipient needed to take further action, otherwise benefits will be automatically renewed at the current level.¹⁶ The guidance further advised exemption beneficiaries that if their income decreased in 2020, they have the option to submit a renewal application so that DOF can determine whether they are eligible for a larger benefit.¹⁷ The guidance additionally advised that the State law permitted the City to pass a local law requiring that for properties that it believes are no longer eligible, either because the owner died or sold the property, or another name was added to the deed, then the City can require those properties to file a renewal application, and that if such a local law were passed, and the City thought a previously eligible property was no longer

² N.Y.C. Admin Code § 11-245.4.

³ N.Y. Real Prop. Tax. Law § 467 (SCHE), N.Y. Real Prop. Tax. Law § 459-c (DHE).

⁴ N.Y. Real Prop. Tax. Law § 467(6)(c).

⁵ N.Y. Real Prop. Tax. Law § 459-c(7).

⁶ N.Y. Real Prop. Tax. Law § 467(5-c) (SCHE), § 459-c(7-a) (DHE).

⁷ Laws of N.Y., Ch. 381.

⁸ Id.

⁹ Id. at Part A.

¹⁰ Id. at Part B, Subpart A.

¹¹ Id. at Part B, Subpart B.

¹² Id. at Part B, Subpart C.

¹³ Id. at Part B, Subpart D.

¹⁴ Id.

¹⁵ Id.

¹⁶ NYC DOF, “Senior Citizen Homeowners' Exemption (SCHE) and Disabled Homeowners' Exemption (DHE) Program Updates”, available at:

<https://www1.nyc.gov/site/finance/benefits/2021-sche-and-dhe-program-updates.page> (last accessed February 21, 2021)

¹⁷ Id.

eligible, DOF would send a letter if action were required before the March 15, 2021 deadline still in effect for such renewals.¹⁸

The Administration reports that in the current tax year, 52,212 property owners receive SCHE and that 3,127 property owners receive DHE.¹⁹ Of these, DOF suspects that there are 817 properties would no longer be eligible for the benefit in the ensuing 2021-2022 tax year, 507 of which are due to the death of the exemption-eligible property owner and 310 of which are the combination of property transfer and additional owners added to the deed.²⁰ DOF plans on conducting targeted outreach to these property owners and their families regarding the requirement to renew.²¹

V. Analysis of Preconsidered Int. No. 2231

Section 1 defines certain terms for the purposes of the legislation.

Section 2 provides that DOF would extend to the 2021-22 assessment roll the renewal of any SCHE or DHE exemptions received on the 2020-21 assessment roll, and that recipient of SCHE or DHE on the 2020-21 assessment roll would not be required to submit a renewal application in order for such recipient to receive the same exemption on the 2021-22 assessment roll as was received on the 2020-21 assessment roll.

Section 3 provides that notwithstanding Section 2 of the legislation, DOF may require a recipient of SCHE or DHE on the 2020-21 assessment roll to file a renewal application if the department has reason to believe that such recipient may have since (i) changed his or her primary residence, (ii) added another owner to the deed of the property for which such exemption was granted, (iii) transferred such property to a new owner, or (iv) died. The section further provides that DOF will notify such recipient as soon as practicable of the requirement to submit a renewal application and shall require that such renewal application be submitted by March 15 of the appropriate year, provided that no such recipient shall be required to appear in person to file a renewal application.

Section 4 provides that a recipient of SCHE or DHE on the 2020-21 assessment roll who has had a change in income that may qualify such recipient for a greater exemption on the 2021-22 assessment roll than was received on the 2020-21 assessment roll, may submit a renewal application for the 2021-22 assessment roll to the department by mail or electronic means prior to March 15, 2021.

Section 5 provides that a recipient of SCHE who receives a renewal extension of such exemption pursuant to section two of this legislation, and who last applied for such exemption for tax year 2019-20, will be required to apply to renew such exemption for tax year 2023-24, and that a recipient of SCHE who last applied for such exemption for tax year 2020-21 will be required to apply to renew such exemption for tax year 2022-23.

Section 6 provides that the local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of March 7, 2020, provided, however, that it is deemed repealed on July 2, 2022. This section further provides that DOF Commissioner may take any actions necessary for the implementation of this local law, including the mailing of notices and acceptance of applications pursuant to section three of this local law, before this local law takes effect.

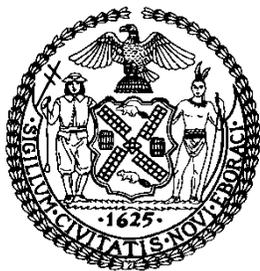
(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 2231:)

¹⁸ Id.

¹⁹ E-mail from Mayor's Office of City Legislative Affairs to New York City Council Finance Division, February 17, 2021, *on file with* Committee on Finance staff.

²⁰ Id.

²¹ Id.



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INTRO. NO. 2231

COMMITTEE: Finance

TITLE: A Local Law in relation to extending to the 2021–22 assessment roll the renewal of certain residential property taxation exemptions received on the 2020–21 assessment roll for persons 65 years of age or over and persons with disabilities, and to provide for the repeal thereof.

SPONSOR(S): Council Member Dromm.

SUMMARY OF LEGISLATION: On December 28, Governor Cuomo signed the COVID-19 Emergency Eviction and Foreclosure Protections Act of 2020 into law. Among other things, this State legislation requires New York City’s Department of Finance to automatically renew the Senior Citizen Homeowner and Disabled Homeowner Exemptions (SCHE and DHE respectively), but allows the City to pass a local law to require certain circumstances under which a SCHE / DHE recipient would be required to submit a renewal application. These circumstances reflect situations of a high likelihood that the owner of the property is not eligible for a continued SCHE/DHE exemption

This bill would allow the Department of Finance to require a SCHE / DHE recipient to file a renewal application if (i) the property is no longer the owner’s primary residence, (ii) the property owner added a non-eligible owner to the property deed, (iii) the property was transferred to a new owner, or (iv) the property owner died. Alternatively, a property owner receiving SCHE or DHE benefits would be able to elect to submit a renewal application if their annual income changed such as to materially alter the amount of the exemption. All renewal applications would be due to DOF by March 15, 2021.

For property owners that get the SCHE exemption automatically renewed by DOF, it would be required that they submit a renewal application for the 2022/2023 or 2023/2024 tax year depending on whether they last renewed during the 2019/2020 or 2020/2021 tax year.

EFFECTIVE DATE: This local law would take effect immediately and is retroactive to and deemed to have been in full force and effect as of March 7, 2020, provided, however, that it is deemed repealed on July 2, 2022.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY22 | Full Fiscal Impact FY22 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$2,500,000 | \$2,500,000 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$2,500,000 | \$2,500,000 |

IMPACT ON REVENUES: It is estimated that this legislation would result in a revenue increase of \$2.5 million in Fiscal 2022. According to DOF, 817 of the 55,339 current SCHE / DHE recipients likely no longer qualify for the exemptions, and therefore would be required to submit a renewal application to prove their continued eligibility. In the absence of this legislation, exemptions would be granted for each of those 817 properties

automatically. However, DOF estimates that once the renewal applications are submitted for each of the 817 properties in question, \$2.5 million in exemptions would not be renewed.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Department of Finance

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Emre Edev, Assistant Director

LEGISLATIVE HISTORY: This legislation will be heard and voted on by the Committee on Finance as a Preconsidered Introduction on February 25, 2021. The legislation will subsequently be introduced to the full Council on February 25, 2021 and, upon successful vote by the Committee this legislation will be submitted to the full Council for a vote on February 25, 2021.

DATE PREPARED: February 22, 2021.

Accordingly, this Committee recommends its adoption.

(The following is the text of Preconsidered Int. No. 2231:)

Int. No. 2231

By Council Members Dromm and Kallos.

A Local Law in relation to extending to the 2021–22 assessment roll the renewal of certain residential property taxation exemptions received on the 2020–21 assessment roll for persons 65 years of age or over and persons with disabilities, and to provide for the repeal thereof

Be it enacted by the Council as follows:

Section 1. As used in this local law, the following terms have the following meanings:

2020–21 assessment roll. The term “2020–21 assessment roll” means the real property tax assessment roll for the tax year beginning on July 1, 2020.

2021–22 assessment roll. The term “2021–22 assessment roll” means the real property tax assessment roll for the tax year beginning on July 1, 2021.

Department. The term “department” means the department of finance.

Persons with disabilities homeowner exemption. The term “persons with disabilities homeowner exemption” or “DHE” means the real property tax exemption pursuant to section 11-245.4 of the administrative code of the city of New York.

Senior citizen homeowner exemption. The term “senior citizen homeowner exemption” or “SCHE” means the real property tax exemption pursuant to section 11-245.3 of the administrative code of the city of New York.

§ 2. Pursuant to subpart d of part b of chapter 381 of the laws of 2020, and notwithstanding any provision of sections 11-245.3 and 11-245.4 of the administrative code of the city of New York to the contrary, the department shall extend to the 2021–22 assessment roll the renewal of any senior citizen homeowner exemption or persons with disabilities homeowner exemption received on the 2020–21 assessment roll, in accordance with this local law. A recipient of SCHE or DHE on the 2020–21 assessment roll shall not be required to submit a renewal application in order for such recipient to receive the same exemption on the 2021–22 assessment roll as was received on the 2020–21 assessment roll.

§ 3. Notwithstanding section two of this local law, the department may require a recipient of SCHE or DHE on the 2020–21 assessment roll to file a renewal application if the department has reason to believe that such recipient may have since (i) changed his or her primary residence, (ii) added another owner to the deed of the property for which such exemption was granted, (iii) transferred such property to a new owner, or (iv) died. In such a circumstance, the department will notify such recipient as soon as practicable of the requirement to submit a renewal application, and shall require such renewal application be submitted by March 15 of the appropriate year, provided that no such recipient shall be required to appear in person to file a renewal application. Failure of the department to mail, or of a property owner to receive, any such application form or notice relating thereto shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such owner.

§ 4. A recipient of SCHE or DHE on the 2020–21 assessment roll who has had a change in income that may qualify such recipient for a greater exemption on the 2021–22 assessment roll than was received on the 2020–21 assessment roll, may submit a renewal application for the 2021–22 assessment roll to the department by mail or electronic means, in accordance with the applicable deadlines described in sections 11-245.3 and 11-245.4 of the administrative code of the city of New York.

§ 5. A recipient of SCHE who receives a renewal extension of such exemption pursuant to section two of this local law, and who last applied for such exemption for tax year 2019–20, will be required to apply to renew such exemption for tax year 2023–24 in accordance with the procedures set forth in section 11-245.3 of such administrative code. A recipient of SCHE who last applied for such exemption for tax year 2020–21 will be required to apply to renew such exemption for tax year 2022–23.

§ 6. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of March 7, 2020, provided, however, that it is deemed repealed on July 2, 2022. The commissioner of finance may take any actions necessary for the implementation of this local law, including the mailing of notices and acceptance of applications pursuant to section three of this local law, before this local law takes effect.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, DARMA V. DIAZ; Committee on Finance, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 1544

Report of the Committee on Finance in favor of a Resolution approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

The Committee on Finance, to which the annexed preconsidered resolution was referred on February 25, 2021, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 14, 2018, the Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”). On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”). On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget, changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2020 and Fiscal 2019 Expense Budgets, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget.

This Resolution, dated February 25, 2021, approves the new designation and the changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, approves the new designation and the change in the designation of certain organizations receiving funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget, approves the changes in the designation of certain organizations receiving funding for certain initiatives in accordance with the Fiscal 2019 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of a certain organization receiving aging discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2021 Expense Budget, as described in Charts 4-22; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as described in Chart 23; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to a certain initiative pursuant to the Fiscal 2020 Expense Budget, as described in Chart 24; sets forth the change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2019 Expense Budget, as described in Chart 25; sets forth the changes in the designation of certain organizations receiving funding pursuant to a certain initiative pursuant to the Fiscal 2019 Expense Budget, as described in Chart 26; and sets amends the description for the Description/Scope of Services for certain organizations receiving local, youth, aging, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, as described in Chart 27.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the change in the designation of a certain organization receiving aging discretionary funding pursuant to the Fiscal 2021 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget.

Chart 4 sets forth the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2021 Expense Budget. All such changes will be effectuated upon a budget modification.

Chart 5 sets forth the change in the designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 6 sets forth the change in the designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 7 sets forth the technical adjustment to a designation made in a previous Transparency Resolution in relation to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget. Such technical adjustment will be effectuated upon a budget modification.

Chart 8 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 11 sets forth the new designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 12 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 13 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget. All such changes will be effectuated upon a budget modification.

Chart 14 sets forth the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 15 sets forth the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 16 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 17 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Public Health Backfill Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 18 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 19 sets forth the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2021 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 20 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 21 sets forth a removal of funds from the administering agency pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2021 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 22 sets forth the new designation of a certain organization receiving funding pursuant to the Lien Sale Outreach and Assistance Initiative in accordance with the Fiscal 2021 Expense Budget. Such new designation will be effectuated upon a budget modification.

Chart 23 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget.

Chart 24 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 25 sets forth the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget.

Chart 26 sets forth the change in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 27 amends the description for the Description/Scope of Services for certain organizations receiving local, youth, aging, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should also be noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2021, Fiscal 2020 and Fiscal 2019 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Preconsidered Res. No. 1544:)

Preconsidered Res. No. 1544

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Member Dromm.

Whereas, On June 30, 2020, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, On June 19, 2019 the City Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

Whereas, On June 14, 2018, the City Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 Expense Budget by approving the new designation and/or changes in the designation for certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and/or changes in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budget by approving the new designation and the change in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019 Expense Budget by approving the changes in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth, aging, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving aging discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the technical adjustment to a designation made in a previous Transparency Resolution in relation to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Public Health Backfill Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the removal of funds from the administering agency pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Lien Sale Outreach and Assistance Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local, youth, aging, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 27.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1544 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, STEVEN MATTEO; Committee on Finance, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for M-288

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the transfer of City funds between various agencies in Fiscal Year 2021 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-3).

The Committee on Finance, to which the annexed preconsidered communication was referred on February 25, 2021 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on February 25, 2021, the Committee on Finance considered a communication, dated February 12, 2021, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit “1” (the “modification” or “MN-3”), to modify units of appropriation and transfer City funds between various agencies in the amount of \$1,137,740,081 in the Fiscal 2021 expense budget as adopted by the Council on June 30, 2020.

Analysis. The Council annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for Fiscal 2021 (the “Fiscal 2021 Expense Budget”). This Modification reallocates appropriations in the amount of \$1,137,740,081 that were reflected in the Fiscal 2021 Expense Budget to implement changes reflected in the January Financial Plan and to fund City Council initiatives and other discretionary programs. The net effect of the modification is zero.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of approval.

(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)

TO: Honorable Corey Johnson
Speaker

Honorable Daniel Dromm
Chair, Finance Committee

FROM: Latonia R. McKinney, Director
Ray Majewski, Deputy Director/Chief Economist
Paul Scimone, Deputy Director
Regina Poreda Ryan, Deputy Director
Nathan Toth, Deputy Director
Rebecca Chasan, Senior Counsel

DATE: February 25, 2021

SUBJECT: A budget modification (MN-3) for Fiscal Year 2021 to implement changes in the City's expense budget.

INITIATION: By letter dated February 12, 2021, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds between various agencies in the amount of \$1,137,740,081 to implement changes in the City's expense budget.

BACKGROUND: MN-3 reallocates appropriations that were reflected in the Fiscal 2021 Adopted Budget to implement expense budget changes which were reflected in the January Financial Plan and to fund City Council local initiatives as well as other discretionary programs.

FISCAL IMPACT: MN-3 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Dromm offered the following resolution:

Preconsidered Res. No. 1548

RESOLUTION APPROVING THE MODIFICATION (MN-3) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.

By Council Member Dromm.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on February 25, 2021, the Committee on Finance considered a communication, dated February 12, 2021, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit 1 (the “Modification”), to modify units of appropriation and transfer city funds in the amount of \$1,137,740,081 in the Fiscal 2021 expense budget as adopted by the Council on June 30, 2020, pursuant to Section 107(b) of the Charter of the City of New York (the “Charter”); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

(For text of the MN-3 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov> for the respective attachments section of [the M-288 & Res. No. 1548 of 2021 files](#))

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ; Committee on Finance, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for M-289

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget in regard to the appropriation of new City revenues in Fiscal Year 2021, pursuant to Section 107(e) of the New York City Charter (MN-4).

The Committee on Finance, to which the annexed preconsidered communication was referred on February 25, 2021 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on February 25, 2021, the Council considered a communication from the Office of Management and Budget of the Mayor, dated February 12, 2021, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2021 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of February 12, 2021.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 (the "Fiscal 2021 Expense Budget"). On December 17, 2020, the Council adopted MN-1, modifying the Fiscal 2021 Expense Budget, and MN-2, which appropriated new revenues. On February 12, 2021, the Mayor submitted to the Council MN-3, modifying the Fiscal 2021 Expense Budget. On February 12, 2021, the Mayor submitted to the Council a revenue estimate MN-4, related to the Fiscal 2021 Expense Budget.

Circumstances have changed since the Council adopted the Fiscal 2021 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2021 Expense Budget and related revenue estimate requested in the communication.

This modification (MN-4) seeks to increase revenues in the net amount of \$1.89 billion compared to the most recent Revenue Budget Modification (MN-2). This represents an increase in City funds of approximately 2.9 percent.

MN-4 is the second revenue modification of Fiscal 2021 and it reflects changes since the November 2020 Financial Plan.

MN-4 recognizes \$1.89 billion in increased revenues, including \$1.67 billion in tax revenue and \$217.42 million in miscellaneous revenue.

Tax revenues increased by \$1.67 billion since the November 2020 Financial Plan. The majority of the increase, \$822 million, came from higher than expected personal income tax collections. Additional tax revenues included \$653 million in business tax, \$191 million in mortgage recording tax, and \$250 million in tax audit. Offsetting these increases was \$215 million in reduced revenues from sales tax and \$180 million in hotel tax.

Miscellaneous revenues increased by \$217.42 million since the November 2020 Financial Plan. This included \$252.56 million in other miscellaneous revenues, \$2.43 million in interest income and \$810 thousand in fines and forfeitures. This was offset by a loss of \$31.21 million in licenses, franchises, etc, \$6.45 million in charges for services, \$306,000 in water sewage charges and \$403,000 in rental income.

This budget modification adds \$2.73 billion to the Budget Stabilization Account, which will prepay debt service for Fiscal 2022. This addition is funded by the \$1.89 million increase in revenues, \$421 million in Prior Year Payables, a \$250 million reduction of the General Reserves, and other resources.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2021 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

(The following is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)

TO: Honorable Corey Johnson
Speaker

Honorable Daniel Dromm
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division
Raymond Majewski, Deputy Director/Chief Economist, Finance Division
Rebecca Chasan, Senior Counsel
Nashia Roman, Economist

DATE: February 25, 2021

SUBJECT: A Budget Modification (MN-4) for Fiscal 2021 that will appropriate \$1.89 billion in new revenues.

INITIATION: By letter dated February 12, 2021, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$1.89 billion in new revenues. These new revenues, combined with additional resources of \$421 million of Prior Year Payables, and a \$418 million adjustment to the General Reserve, plus other resources, will be used for prepayments of \$2.73 billion to increase the Budget Stabilization Account.

BACKGROUND: This modification (MN-4) seeks to recognize \$1.89 billion in new revenues, and combines \$421 million of Prior Year Payables, \$418 million from the General Reserve, and other resources, implementing changes reflected in the January 2021 Financial Plan. Of these funds, the total amount of \$2.73 billion is added to the Budget Stabilization Account, which will prepay debt service for Fiscal 2022.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2021 budget of \$1.89 billion.

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Dromm offered the following resolution:

Preconsidered Res. No. 1549

RESOLUTION APPROVING A MODIFICATION (MN-4) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Dromm.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on February 25, 2021, the Committee on Finance considered a communication, dated February 12, 2021, from the Office of Management and Budget of the Mayor of the City of New York (the "Mayor"), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the "Charter"), attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the

dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, The Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2021 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

(For text of the MN-4 numbers, please see the New York City Council website at <https://council.nyc.gov> for the respective attachments section of [the M-289 & Res. No. 1549 of 2021 files](#))

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, STEVEN MATTEO; Committee on Finance, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption

Report for L.U. No. 731

Report of the Committee on Finance in favor of a Resolution approving 1045 Anderson Avenue HDFC, Block 2508, Lot 26; Bronx, Community District No. 4, Council District 8.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 25, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(The following is the text of a Memo to the Finance Committee from the Finance Division of the New York City Council:)

February 25, 2021

TO: Hon. Daniel Dromm
Chair, Finance Committee
Members of the Finance Committee

FROM: Rebecca Chasan, Senior Counsel, Finance Division
Noah Brick, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of February 25, 2021 – Resolutions approving a tax exemption for two Land Use items (Council Districts 8 and 34)

Item 1: 1045 Anderson Avenue

On November 26, 2019, the Council approved Resolution No. 1176, which authorized a full, 40-year Article XI property tax exemption for 1045 Anderson Ave Housing Development Fund Company (HDFC). 1045 Anderson Ave is a six-story, 49-unit limited equity cooperative located in the Highbridge neighborhood of the Bronx. It has a partial Division of Alternative Management (DAMP) property tax exemption that was to be replaced by the Article XI property tax exemption.

The Article XI property tax exemption never went into effect, however, because the HDFC was unable to comply with the conditions of the prior resolution, including entering into a regulatory agreement with the Department of Housing Preservation and Development (HPD), which would require it to first repay its property tax arrears. HPD is now requesting that Council approve an amendment to the prior resolution that would make the Article XI property tax exemption effective as of April 1, 2019, which would forgive the HDFC's property tax arrears and permit it to enter into the regulatory agreement with HPD.

Amending the prior resolution would result in a nominal savings to the City compared with estimated cost at the time of the passage of the prior resolution. Specifically, the HDFC's plans to sell 11 rentals units upon tenant turnover would reduce the taxes otherwise due but for the property tax exemption because the anticipated maintenance would be less expensive than the prior rents.

Summary:

- Borough – Bronx
- Block 2508, Lot 26
- Council Districts – 8
- Council Members – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 37 (including 1 superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Purpose – amendment of prior resolution
- Cost to the City – \$268K savings

Item 2: 728 Driggs Avenue

728 Driggs Avenue is a 30-unit limited equity coop in Williamsburg, Brooklyn. The apartments consist of 15 one-bedroom units (inclusive of one superintendent unit), five two-bedroom units, and 10 three-bedroom units.

The building is owned by 728 Driggs Avenue HDFC. The HDFC has a DAMP property tax exemption that is set to expire next month. HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption to replace the DAMP exemption and to help the building afford moderate rehabilitation and energy efficiency improvements. The HDFC would enter into a regulatory agreement with HPD that would limit the incomes of shareholder tenants to no more than 120% Area Median Income (AMI), and require that the nine units currently used as rentals would be sold upon tenant turnover.

Summary:

- Borough – Brooklyn
- Block 2406, Lot 26
- Council District – 34
- Council Member – Reynoso
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 30 (including 1 superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable homeownership
- Sponsor – 728 Driggs Avenue HDFC, MHR Management, Inc.
- Purpose – preservation
- Cost to the City – \$897 million
- Housing Code Violations
 - Class A – 4
 - Class B – 7
- AMI target – 120% AMI

(For text of the coupled resolution for L.U. No. 732, please see the Report of the Committee on Finance for L.U. Nos. 732 printed in these Minutes; for text of the coupled resolution for L.U. No. 731, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 731 and 732.

In connection herewith, Council Member Dromm offered the following resolution

Res. No. 1550

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 2508, Lot 26), Bronx (Preconsidered L.U. No. 731).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated February 9, 2021 that the Council amend a previously approved tax exemption for real property located at (Block 2508, Lot 26), Bronx (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD’s request for amendments is related to a previously Resolution adopted by City Council on November 26, 2019 (Resolution 1179) (the “Prior Resolution”), attached hereto as Exhibit A, granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

Provisions 1.a and 1.i and Paragraph 5 of the Prior Resolution are deleted and replaced with the following:

1.a. “Effective Date” shall mean April 1, 2019.

1.i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after May 1, 2020 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption on or after the date such regulatory agreement is executed.

5. In consideration of the New Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

ATTACHMENT: Exhibit A – Res. No. 1179 of 2019

Res. No. 1179

Resolution approving an exemption from real property taxes for property located at (Block 2508, Lot 26) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 587).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 1, 2019 that the Council take the following action regarding a housing project located at (Block 2508, Lot 26) Bronx (“Exemption Area”):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption”);

WHEREAS, The project description that HPD provided to the Council states that the purchaser of the Project (the “Owner”) is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, The Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Effective Date" shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2508, Lot 26 on the Tax Map of the City of New York.
 - c. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. "HDFC" shall mean 1045 Anderson Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. "Owner" shall mean the HDFC.
 - h. "Prior Exemption" shall mean any exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law that was in effect prior to the Effective Date.
 - i. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner that is executed after November 1, 2019 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall

deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

Office of the City Clerk, }
The City of New York } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of the City of New York on November 26, 2019, on file in this office.



City Clerk, Clerk of Council

END OF ATTACHMENT

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, STEVEN MATTEO; Committee on Finance, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption

Report for L.U. No. 732

Report of the Committee on Finance in favor of a Resolution approving 728 Driggs Avenue HDFC, Block 2406, Lot 26; Brooklyn, Community District No. 1, Council District 34.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 25, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 731 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Dromm offered the following resolution

Res. No. 1551

Resolution approving an exemption from real property taxes for property located at (Block 2406, Lot 26) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 732).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated February 16, 2021 that the Council take the following action regarding a housing project located at (Block 2406, Lot 26) Brooklyn (“Exemption Area”):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption”);

WHEREAS, The project description that HPD provided to the Council states that the purchaser of the Project (the “Owner”) is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, The Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2406, Lot 26 on the Tax Map of the City of New York.

- c. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. “HDFC” shall mean 728 Driggs Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. “Owner” shall mean the HDFC.
 - h. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on March 7, 1991 (Resolution No. 824).
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

- d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, STEVEN MATTEO; Committee on Finance, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Fire and Emergency Management

Report for Int. No. 1849-A

Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the New York city fire code, in relation to fire safety at film production locations and to providing the fire department and local firehouses with information about field conditions at film production locations.

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on January 23, 2020 (Minutes, page 117), respectfully

REPORTS:

I. Introduction

On February 25, 2021, the Committee on Fire and Emergency Management, Chaired by Joseph C. Borelli, voted on two pieces of legislation related to film production site safety: Proposed Int. No. 1849-A and Proposed Int. No. 1852-A. The Committee voted in favor of both bills by a vote of five affirmatives, none opposed, and no abstentions. The Committee previously held a hearing on earlier versions of these bills on October 19, 2020 and received testimony from the City's Fire Department ("FDNY"), the Mayor's Office of Film, Theatre and Broadcasting ("MOME"), the Uniformed Firefighters Association and other interested members of the public.

II. Background

New York City Fire Department

In addition to fighting traditional structural fires and providing pre-hospital care, as well as other emergency services, the FDNY conducts inspections that examine buildings, structures, facilities, vehicles and other locations in New York City to ensure that laws, rules and regulations are enforced. These inspections are conducted through the FDNY's Bureau of Fire Prevention ("BFP"). The BFP ensures fire protection of residential and commercial occupancies through direct inspections of locations and enforcement of local laws and regulations. The BFP supports the Department's Bureau of Operations through the exchange of essential information on locations, buildings, and special events. The BFP is also responsible for conducting inspections of fire alarms, smoke detectors and sprinkler systems.¹

New York City Film Based Production and Required Permitting

New York City is a major hotspot for media and entertainment production. As a center of literature and journalism, New York City hosts morning and evening talk shows, a flourishing independent movie scene, and the largest concentration of documentary film production in the United States.² New York City's iconic skyline and diversity of locations make it an attractive location for film and television shoots.³ For the last several years, mainstream film and television productions have expanded in the City.⁴ The number of movies filmed in the City has been growing steadily.⁵ For example, in 2012, 162 movies were filmed in New York City; in 2018, that number rose to over 330.⁶ The number of episodic television series filmed in New York City has also continued to grow. In 2016, MOME announced a record-breaking 52 episodic television series were filmed in New York City during the 2015-2016 television season, an increase of 15% over the prior season's record year.⁷ MOME indicated that 67 television shows⁸ were filmed in New York City during the 2018-2019 television season, a new City record.⁹

In most circumstances, prior to beginning filming or production in New York City, entities must obtain permits from the MOME to authorize such activities. Specifically, permits are required when equipment, more elaborate than tripods or vehicles, are used by a production, or where exclusive use of City property is required.¹⁰ Such permits have a \$300 application fee and an insurance requirement, which can be waived for those who can demonstrate unreasonable hardship, and provide productions with free police assistance and parking privileges, as well as access to most outdoor locations, including City parks—without charge, although some locations may require additional permission from controlling entities.¹¹

Separately, the New York City Fire Code requires permits be obtained for certain special effects used in film productions. Specifically, permits must be obtained for the storage, discharge, or use "of any material, article or device of an explosive, flammable or combustible nature used to create a special effect, including fireworks . . . and pyrotechnic materials, articles or devices."¹²

¹ FDNY Inspections at <https://www1.nyc.gov/site/fdny/business/inspections/inspections.page>

² *Media and Entertainment Industry in NYC Report*, THE BOSTON CONSULTING GROUP, p 4., Oct. 2015, <http://www.nyc.gov/html/film/downloads/pdf/bcg-report-10.15.pdf>.

³ *Id.*

⁴ *Id.*

⁵ Except for a 7.4% decrease from 2015-2016. See NUMBER OF MOVIES FILMED IN NYC, <https://mycrains.craainsnewyork.com/stats-and-the-city/2017/entertainment/how-many-movies-have-been-filmed-in-nyc>.

⁶ See *id.*; Matthew Haag, *De Niro and Netflix Bet That New York Can Be a New Hollywood*, NEW YORK TIMES, July 10, 2019, <https://www.nytimes.com/2019/07/10/nyregion/robert-de-niro-studio-queens.html>.

⁷ *Surging Television Production in New York City Breaks New Record*, <https://www1.nyc.gov/site/mome/news/tv-series-announce-5-23-16.page>.

⁸ *Id.*

⁹ *Mayor de Blasio Appoints Anne del Castillo as Commissioner of the Mayor's Office of Media and Entertainment*, <https://www1.nyc.gov/site/mome/news/04172019-anne-del-castillo-commissioner.page>

¹⁰ 43 RCNY §9-01.

¹¹ When a Permit is Required, *Mayor's Office of Media and Entertainment*, available at: <https://www1.nyc.gov/site/mome/permits/when-permit-required.page>.

¹² FC 105.6

Tragic Death of Firefighter Michael Davidson

In March of 2018, FDNY Firefighter Michael Davidson was killed while responding to a fire in a Harlem brownstone being used as a movie production site.¹³ According to an FDNY investigation, a non-functioning sprinkler system and certain alterations of the brownstone resulted in heavy fire and smoke conditions that contributed to Firefighter Davidson's death. Specifically, the location was altered for filming, including the construction of temporary fake walls, highly flammable scenery and blocked means of egress.¹⁴ Additionally, the building where the filming occurred allegedly had outstanding safety violations prior to the issuance of a filming permit.¹⁵

III. Analysis of Prop. Int. No. 1849-A

As introduced, Int. No. 1849 would require the Fire Department to establish fire safety provisions governing activities at certain film production locations. In doing so, the Department would consider the condition of the production site location and the nature of the production activities, including the proposed use of pyrotechnics or other special effects, to determine circumstances requiring Department inspection or supervision, or the presence of a production location fire safety manager. Additionally, the bill requires the designation of a production location fire safety manager whenever a permit for scouting, rigging or production activities is obtained from MOME. This bill would take effect 120 days after becoming law.

Since introduction, this bill has been amended as follows. First, the scope of covered production locations was amended to clarify that such provisions do not apply to soundstages, production studios or approved production facilities, as such locations already must comply with standards established by the National Fire Protection Association (NFPA). Additionally, the bill was amended to exclude permits issued for scouting activities that do not present heightened fire safety risks. Finally, changes were made to ensure that the presence of working sprinklers systems and the lack of alterations to means of egress at a production location would be considered factors in forthcoming rule making.

IV. Analysis of Prop. Int. No. 1852-A

As introduced, Int. No. 1852 would require that prior to conducting any film production activities authorized by a permit obtained from MOME, an entity must provide the fire commissioner and the local firehouse with blueprints of the proposed location; which shall include information on structural alterations of such location, such as false walls and presence of potential fire hazards. Additionally, the bill requires that prior to being issued a permit for scouting, rigging or production activities, an entity must clear or close any health and safety violations at the location where such production activities will take place. This bill would take effect 120 days after becoming law.

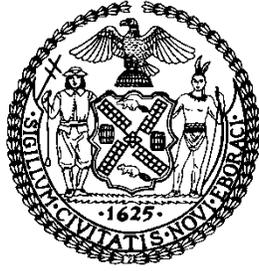
Since introduction, this bill has been amended as follows. First, requirements that entities provide local firehouses with blueprints of proposed film locations was removed in response to the FDNY testimony on the limited utility of such blueprints to the Department and the burden that creating such blueprints would have on the film industry. Next, the scope of violations to be cleared prior to issuance of permits were limited to include only certain life safety violations issued by FDNY or the Department of Buildings. Finally, the amended bill established requirements for real-time information sharing between FDNY and MOME regarding permit applications to ensure the Department and local firehouses receive vital information on permitted film activities.

(The following is the text of the Fiscal Impact Statement for Int. No. 1849-A:)

¹³ <https://www.nydailynews.com/new-york/nyc-crime/ny-confusion-communications-issues-move-set-materials-contributed-to-20190328-4w5kzafkxnfjlpigsnivanuey-story.html>

¹⁴ *Id.*

¹⁵ <https://www.nydailynews.com/new-york/manhattan/ny-manhattan-lawsuit-ed-norton-firefighter-20200512-kqw7kmmkbbad7ii56twt2xlc74-story.html>



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INT. No. 1849-A
COMMITTEE: Fire and Emergency Management

TITLE: A Local Law to amend the New York city fire code, in relation to establishing fire safety provisions for film production locations and requiring production location fire safety managers for certain rigging, filming and production activities.

Sponsors: Council Member Borelli, Cornegy, Powers, Maisel, Cabrera, Holden, Brannan, Kallos and Ayala.

SUMMARY OF LEGISLATION: Proposed Int. No 1849-A would require the Fire Department to establish fire safety provisions governing activities at certain film production locations. Through rulemaking, the Department would establish a Certificate of Fitness for a “production location fire safety manager,” and designate circumstances where certain filming activities would require Fire Department inspection or supervision of the location, or the presence of a production location fire safety manager during filming. The bill would also require the designation of a production location fire safety manager whenever a permit for rigging or production activities is obtained from the Mayor’s Office of Media and Entertainment.

EFFECTIVE DATE: This local law would take effect 120 days after the bill becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY22 | FY Succeeding Effective FY23 | Full Fiscal Impact FY22 |
|-------------------------|---------------------------|---|------------------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that the legislation would not affect expenditures by the Mayor’s Office of Media and Entertainment or the Fire Department’s because both agencies could comply with its requirements using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The Fire Department of New York
 The Mayor’s Office of City Legislative Affairs

ESTIMATE PREPARED BY: Jack Kern, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on January 23, 2020 as Intro. No. 1849 and was referred to the Committee on Fire and Emergency Management (Committee). The Committee heard the legislation on October 19, 2020 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1849-A, will be considered by the Committee at a hearing on February 25, 2021. Upon successful vote by the Committee, Proposed Int. No. 1849-A will be submitted to the full Council for a vote on February 25, 2021.

DATE PREPARED: February 22, 2021.

(For text of Int. Nos. 1852-A and its Fiscal Impact Statement, please see the Report of the Committee on Fire and Emergency Management for Int. Nos. 1852-A printed in these Minutes; for text of Int. No. 1849-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1849-A and 1852-A.

(The following is the text of Int. No. 1849-A:)

Int. No. 1849-A

By Council Members Borelli, Cornegy, Powers, Maisel, Cabrera, Holden, Brannan, Kallos, Ayala and Rivera.

A Local Law to amend the New York city fire code, in relation to establishing fire safety provisions for film production locations and requiring production location fire safety managers for certain rigging, filming and production activities

Be it enacted by the Council as follows:

Section 1. Section 202 of the New York city fire code is amended by adding a new definition of “production location” in alphabetical order to read as follows:

PRODUCTION LOCATION. *Premises associated with any location approved for activities conducted in connection with motion picture, television or commercial production by the Mayor’s Office of Film, Theatre and Broadcasting, or an officer, employee or unit of the Department of Small Business Services as may be authorized to issue permits in accordance with paragraph r of subdivision 1 of section 1301 of the charter or pursuant to its rules.*

§ 2. Chapter 3 of the New York city fire code is amended by adding a new section FC 325 to read as follows:

**SECTION FC 325
PRODUCTION LOCATIONS**

325.1 Scope. *This section shall govern the protection of fire safety at production locations used for filming and rigging, except for soundstages, production studios and approved production facilities, as those terms are defined in NFPA 140.*

325.2 Fire safety at production locations. *The department shall promulgate rules addressing fire safety at production locations. Such rules shall establish fire safety standards, procedures and requirements in*

consideration of such location's occupancy, construction and condition, including factors such as whether means of egress are impeded and a working sprinkler system exists, and the nature of the production activities to take place at such location, including set construction or other alterations, and whether pyrotechnic or other special effects will be conducted. Such rules may require the following fire safety measures:

- 1. The presence of one or more production location fire safety managers, to be designated by the permit holder, during production activities determined by the department to require such supervision. Production location fire safety managers shall have such qualifications and duties as set forth in FC325.3 and the rules.*
- 2. The presence of department representatives or standby fire apparatus during production activities, as determined by the department.*
- 3. Directing the cessation of filming activities when an unsafe condition arises that is detrimental to fire safety, until such time as such condition is corrected.*
- 4. Such other fire safety measures as the department may require.*

325.3 Production location fire safety manager. *When required by the rules, production locations shall be under the personal supervision of one or more production location fire safety managers, each of whom shall hold the required certificate of fitness. The permit holder shall designate such production location fire safety managers before the commencement of the activity authorized by a permit for rigging and shooting pursuant to 43 RCNY § 9-01.*

325.3.1 Fire safety manager duties. *The production location fire safety manager shall have such duties and responsibilities as set forth in the rules, including but not limited to:*

- 1. Ensuring compliance with the requirements of this code and other laws, rules and regulations enforced by the department.*
- 2. Personally inspecting and monitoring the production location, confirming that permits or other required approvals have been obtained, and completing fire safety surveys or other recordkeeping.*
- 3. Notifying the permit holder of any conditions detrimental to fire safety in accordance with the rules.*

§ 3. This local law takes effect 120 days after it becomes law, except that the fire commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

JOSEPH C. BORELLI, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, ALAN N. MAISEL, JUSTIN L. BRANNAN; Committee on Fire and Emergency Management, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Cornegy, Powers and Vallone.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 1852-A

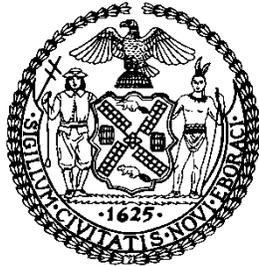
Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the New York city fire code, in relation to establishing fire safety provisions for film production locations and requiring production location fire safety managers for certain rigging, filming and production activities.

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on January 23, 2020 (Minutes, page 123), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Fire and Emergency Management for Int. No. 1849-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1852-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

**PROPOSED INT. No. 1852-A
COMMITTEE: Fire and Emergency Management**

TITLE: A Local Law to amend the New York city fire code, in relation to fire safety at film production locations and to providing the fire department and local firehouses with information about field conditions at film production locations.

Sponsors: Council Member Cornegy, Borelli, Powers, Koslowitz, Cabrera, Kallos, Holden and Ayala.

SUMMARY OF LEGISLATION: Proposed Int. No. 1852-A would require that the Fire Department and the Mayor's Office of Media and Entertainment ("MOME") to establish protocols that enable inter-agency information sharing regarding film production activities authorized by a permit obtained from MOME. The protocols would provide the Fire Department with real time access to all permit information, require local firehouses be notified when certain film permits are issued, and enable firefighters to receive detailed information on production location conditions, including alterations. The bill would also require that prior to a permit being issued for rigging or production activities, the applicable building be clear of certain safety violations issued by the Department of Buildings or Fire Department. Finally, the bill would require that at film production locations, means of egress are maintained, portable fire extinguishers are present, and the location is maintained free of accumulated flammable waste.

EFFECTIVE DATE: This local law would take effect 120 days after the bill becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY22 | FY Succeeding Effective FY23 | Full Fiscal Impact FY22 |
|-------------------------|---------------------------|---|------------------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that the legislation would not affect expenditures by the Mayor's Office of Media and Entertainment or the Fire Department, because both agencies could comply with its requirements using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The Fire Department of New York
The Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Jack Kern, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on January 23, 2020 as Intro. No. 1852 and was referred to the Committee on Fire and Emergency Management (Committee). The Committee heard the legislation on October 19, 2020 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1852-A, will be considered by the Committee at a hearing on February 25, 2021. Upon successful vote by the Committee, Proposed Int. No. 1852-A will be submitted to the full Council for a vote on February 25, 2021.

DATE PREPARED: February 22, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1852-A:)

Int. No. 1852-A

By Council Members Cornegy, Borelli, Powers, Koslowitz, Cabrera, Kallos, Holden, Ayala, Louis and Rivera.

A Local Law to amend the New York city fire code, in relation to fire safety at film production locations and to providing the fire department and local firehouses with information about field conditions at film production locations

Be it enacted by the Council as follows:

Section 1. Section 325 of the New York city fire code, as added by a local law of the city of New York for the year 2021, relating to establishing fire safety provisions for film production locations and requiring

production location fire safety managers for certain rigging, filming and production activities, as proposed in introduction number 1849-A, is amended to read as follows:

325.2 General. *Production locations shall comply with the fire safety measures required by this section and by NFPA 140, as applicable.*

325.3 Permits. *Permits shall be required as set forth in FC105.6.*

325.4 Interagency coordination. *The department shall develop and establish, in consultation with the Mayor's Office of Film, Theatre and Broadcasting, or an officer, employee or unit of the Department of Small Business Services as may be authorized to issue permits in accordance with paragraph r of subdivision 1 of section 1301 of the charter or pursuant to its rules, and such other agencies as the department determines to be necessary and appropriate, a protocol and other processes to:*

- 1. Provide to the department real-time access to information submitted to the Mayor's Office of Film, Theatre and Broadcasting, or an officer, employee or unit of the Department of Small Business Services as may be authorized to issue permits in accordance with paragraph r of subdivision 1 of section 1301 of the charter or pursuant to its rules, in connection with permit applications;*
- 2. Provide notification to the local firehouse each time a permit for filming or rigging is issued for activities that occur at a production location within the area of response for such firehouse.*
- 3. Enable the department to evaluate relevant fire safety considerations at production locations, familiarize local firehouses or other members of the department with field conditions, including alterations being performed at such locations, in advance of and during the course of rigging and filming, and provide additional production location information in a timely manner to firefighters and other emergency response personnel during fire and non-fire emergencies; and*
- 4. Coordinate approval of permit applications to allow the department to determine whether any premises associated with the proposed production location is subject to any outstanding department or Department of Buildings violation that the department determines constitutes a life safety hazard sufficient to warrant denial of the application. The Mayor's Office of Film, Theatre and Broadcasting, or an officer, employee or unit of the Department of Small Business Services as may be authorized to issue permits in accordance with paragraph r of subdivision 1 of section 1301 of the charter or pursuant to its rule, shall deny such permit application when the department makes such a determination.*

325.5 Fire safety at production locations. *The department shall promulgate rules addressing fire safety at production locations. Such rules shall establish fire safety standards, procedures and requirements in consideration of such location's occupancy, construction and condition, including factors such as whether means of egress are impeded and a working sprinkler system exists, and the nature of the production activities to take place at such location, including set construction or other alterations, and whether pyrotechnic or other special effects will be conducted. Such rules may require the following fire safety measures:*

- 1. The presence of one or more production location fire safety managers, to be designated by the permit holder, during production activities determined by the department to require such supervision. Production location fire safety managers shall have such qualifications and duties as set forth in [FC325.3] FC325.6 and the rules.*
- 2. The presence of department representatives or standby fire apparatus during production activities, as determined by the department.*
- 3. Directing the cessation of filming activities when an unsafe condition arises that is detrimental to fire safety, until such time as such condition is corrected.*

4. Such other fire safety measures as the department may require.

[325.3] 325.6 Production location fire safety manager. When required by the rules, production locations shall be under the personal supervision of one or more production location fire safety managers, each of whom shall hold the required certificate of fitness. The permit holder shall designate such production location fire safety managers before the commencement of the activity authorized by a permit for rigging and shooting pursuant to 43 RCNY § 9-01.

[325.3.1] 325.6.1 Fire safety manager duties. The production location fire safety manager shall have such duties and responsibilities as set forth in the rules, including but not limited to:

1. Ensuring compliance with the requirements of this code and other laws, rules and regulations enforced by the department.
2. Personally inspecting and monitoring the production location, confirming that permits or other required approvals have been obtained, and completing fire safety surveys or other recordkeeping.
3. Notifying the permit holder of any conditions detrimental to fire safety in accordance with the rules.

325.7 Means of egress. *Means of egress shall be maintained free from obstruction at production locations. Prior approval of the Department of Buildings and/or the department shall be obtained in accordance with applicable laws, rules and regulations for any alteration or obstruction of the means of egress.*

325.8 Housekeeping. *All production locations shall be maintained free of accumulation of combustible waste in accordance with FC304.*

325.9 Portable fire extinguishers. *The permit holder responsible for a production location shall provide one or more portable fire extinguishers when required by the rules.*

§ 2. This local law takes effect on the same date that a local law amending the New York city fire code, relating to establishing fire safety provisions for film production locations and requiring production location fire safety managers for certain rigging, filming and production activities, as proposed in introduction number 1849-A, takes effect, provided that the fire commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

JOSEPH C. BORELLI, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, ALAN N. MAISEL, JUSTIN L. BRANNAN; Committee on Fire and Emergency Management, February 25, 2021 (Remote Hearing).

Other Council Members Attending: Council Members Cornegy, Powers and Vallone.

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Land Use

Report for L.U. No. 714

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200303 ZSQ (42-11 9th Street Special Permit) submitted by RXR 42-11 9th Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96 (Industrial Business Incentive Areas) of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to modify the quantity and size of the loading requirements of Section 44-50, in connection with a proposed twenty-story commercial building within an Industrial Business Incentive Area in an M1-4 District specified on the maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 42 11 9th Street (Block 461, Lot 16), Borough of Queens, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2021 (Minutes, page 29), respectfully

REPORTS:

SUBJECT

QUEES CB-2 – TWO APPLICATIONS RELATED TO 42-11 9TH STREET SPECIAL PERMIT

C 200303 ZSQ (L.U. No. 714)

City Planning Commission decision approving an application submitted by RXR 42-11 9th Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96 (Industrial Business Incentive Areas) of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to modify the quantity and size of the loading requirements of Section 44-50, in connection with a proposed twenty-story commercial building within an Industrial Business Incentive Area specified on the maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 42-11 9th Street (Block 461, Lot 16), in an M1-4 District.

N 200304 ZRQ (L.U. No. 715)

City Planning Commission decision approving an application submitted by RXR 42-11 9th Holdings, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission) and updates to Section 74-76 (Modifications of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas).

INTENT

To grant an approval of the special permit pursuant to ZR Section 74-96 (Industrial Business Incentive Areas) to allow an increase in the maximum permitted floor area ratio and to modify the quantity

and size of the loading requirements; and amend zoning text to update Modifications of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas and establish the Project Area as Industrial Business Incentive Area 2 to facilitate the construction of an approximately 320,000-square-foot mixed-use development with office, retail, and industrial uses at 42-11 Ninth Street in Long Island City, Queens, Community District 2.

PUBLIC HEARING

DATE: January 26, 2021

Witnesses in Favor: Eleven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 23, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 714 and approve with modifications the decision of the City Planning Commission on L.U. No.715.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 24, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against:

None

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 715

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200304 ZRQ (42-11 9th Street Special Permit) submitted by RXR 42-11 9th Holdings LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission) and updates to Section 74-76 (Modifications of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas), in connection with a proposed twenty-story commercial building within such Industrial Business Incentive Area, on property located at 42-11 9th Street (Block 461, Lot 16), Borough of Queens, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2021 (Minutes, page 30), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 714 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 722

Report of the Committee on Land Use in favor of disapproving Application No. C 200062 ZMK (16th Avenue Rezoning) submitted by Borough Park Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, eliminating from within an existing R5 District a C2-2 District and changing from an existing R5 District a C4-4A District, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 135) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-12 – TWO APPLICATIONS RELATED TO 16TH AVENUE
REZONING****C 200062 ZMK (Pre. L.U. No. 722)**

City Planning Commission decision approving an application submitted by Borough Park Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. eliminating from within an existing R5 District a C2-2 District bounded by 58th Street, 16th Avenue, 59th Street and a line 150 feet northwesterly of 16th Avenue; and
2. changing from an existing R5 District a C4-4A District property bounded by 58th Street, 16th Avenue, 59th Street and a line 100 feet northwesterly of 16th Avenue;

as shown on a diagram (for illustrative purposes only) dated February 18, 2020, and subject to the conditions of CEQR Declaration E-565.

N 200063 ZRK (Pre. L.U. No. 723)

City Planning Commission decision approving an application submitted by Borough Park Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12.

INTENT

To approve zoning map amendment to rezone from R5 and R5/C2-2 to C4-4A, elimination of a commercial overlay from R5/C2-2 to R5 and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the construction of a five-story, approximately 16,000-square-foot commercial office building at 5802, 5804, and 5806 16th Avenue (Block 5502, Lots 38, 39, and 40) in the Borough Park neighborhood of Brooklyn, Community District 12.

PUBLIC HEARING

DATE: January 26, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 23, 2021

The Subcommittee recommends that the Land Use Committee disapprove the decisions of the City Planning Commission on Pre. L.U. Nos. 722 and 723.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 24, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against:

None

Abstain:

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution

Res. No. 1552

Resolution disapproving the decision of the City Planning Commission on ULURP No. C 200062 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 722).

By Council Members Salamanca and Moya.

WHEREAS, Borough Park Realty, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, eliminating from within an existing R5 District a C2-2 District and changing from an existing R5 District a C4-4A District, which in conjunction with the related action would facilitate the construction of a five-story, approximately 16,000-square-foot commercial office building at 5802, 5804, and 5806 16th Avenue (Block 5502, Lots 38, 39, and 40) in the Borough Park neighborhood of Brooklyn, Community District 12 (ULURP No. C 200062 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on January 15, 2021, its decision dated January 6, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200063 ZRK (Pre. L.U. No. 723), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2021;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued February 18th, 2020 (CEQR No. 20DCP022K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-565) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-565) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200062 ZMK, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

Coupled to be Disapproved.

Report for LU No. 723

Report of the Committee on Land Use in favor of disapproving Application No. N 200063 ZRK (16th Avenue Rezoning) submitted by Borough Park Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 136) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 722 printed in these Minutes)

Accordingly, this Committee recommends its disapproval.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1553

Resolution disapproving the decision of the City Planning Commission on Application No. N 200063 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 723).

By Council Members Salamanca and Moya.

WHEREAS, Borough Park Realty, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of a five-story, approximately 16,000-square-foot commercial office building at 5802, 5804, and 5806 16th Avenue (Block 5502, Lots 38, 39, and 40) in the Borough Park neighborhood of Brooklyn, Community District 12 (Application No. N 200063 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on January 15, 2021, its decision dated January 6, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 200062 ZMK (Pre. L.U. No. 722), a zoning map amendment to eliminate a C2-2 commercial overlay and change the underlying R5 zoning district to a C4-4A zoning district;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued February 18th, 2020 (CEQR No. 20DCP022K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-565) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-565) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200063 ZRK, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

Coupled to be Disapproved.

Report for L.U. No. 724

Report of the Committee on Land Use in favor of approving Application No. 20215012 HKK / N 210194 HKK (East 25th Street Historic District) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation as a historic district of the East 25th Street Historic District (DL 521, LP-2647), containing the property bounded by a line beginning on the eastern curbline of East 25th Street at a point on a line extending westerly from the northern property line of 315 East 25th Street, and extending easterly along said line and the northern property line of 315 East 25th Street, southerly along the eastern property lines of 315 to 377 East 25th Street, westerly along the southern property line of 377 East 25th Street, across East 25th Street and along the southern property line of 378 East 25th Street, northerly along the western property lines of 378 to 314 East 25th Street, and easterly along the northern property line of 314 East 25th Street and across East 25th Street to the point of beginning, Borough of Brooklyn, Community District 17, Council District 45.

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 136) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 17****20215012 HKK (N 210194 HKK)**

Designation by the Landmarks Preservation Commission [DL-521/LP-2647] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the East 25th Street Historic District.

PUBLIC HEARING

DATE: February 10, 2021

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 18, 2021

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor:

Riley, Koo, Barron, Miller, Treyger,

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** February 24, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against:

None

Abstain:

None

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 1554

Resolution affirming the designation by the Landmarks Preservation Commission of the East 25th Street Historic District, Borough of Brooklyn, Designation List No. 521, LP-2647 (L.U. No. 724; 20215012 HKK; N 210194 HKK).

By Council Members Salamanca and Riley.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 25, 2020 a copy of its designation report dated November 17, 2020 (the “Designation Report”), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the East 25th Street Historic District Landmark, Community District 17, Borough of Brooklyn, with the following district boundaries (the “Designation”):

The East 25th Street Historic District consists of the properties bounded by a line beginning on the eastern curblineline of East 25th Street at a point on a line extending westerly from the northern property line of 315 East 25th Street, and extending easterly along said line and the northern property line of 315 East 25th Street, southerly along the eastern property lines of 315 to 377 East 25th Street, westerly along the southern property line of 377 East 25th Street, across East 25th Street and along the southern property line of 378 East 25th Street, northerly along the western property lines of 378 to 314 East 25th Street, and easterly along the northern property line of 314 East 25th Street and across East 25th Street to the point of beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

WHEREAS, the New York City Planning Commission submitted to the Council on January 22, 2021 its report on the Designation dated January 20, 2021 (the “City Planning Commission Report”);

WHEREAS, upon due notice, the Council held a public hearing on the Designation on February 10, 2021; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Designation.

RESOLVED:

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 725

Report of the Committee on Land Use in favor of approving Application No. 20215014 HAM (Everlasting Pine HDFC Ground Lease Amendment) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting waiver of the designation requirements of Section 693 of the General Municipal Law, waiver of the requirements of Sections 197-c and 197-d of the Charter, and approval of an Urban Development Action Area Project for property located at 96 Baxter Street (Block 198, p/o Lot 126), Borough of Manhattan, Community District 1, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 136) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 1****20215014 HAM**

Application submitted by the New York City Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law requesting waiver of the designation requirements of Section 693 of the General Municipal Law, waiver of the requirements of Sections 197-c and 197-d of the Charter, and approval of an Urban Development Action Area Project for property located at 96 Baxter Street (Block 198, p/o Lot 126).

INTENT

To approve the amendment of a previously approved project for the UDAAP disposition area. The term of the ground lease will be extended from 49 years to 99 years to rehabilitate approximately 87 rental dwelling units plus one dwelling unit for the superintendent and provide an enclosed terrace.

PUBLIC HEARING**DATE:** February 10, 2021**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 18, 2021

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** February 24, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against:

None

Abstain:

None

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 1555

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law for property located at 96 Baxter Street (Block 198, p/o 126), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 1, Borough of Manhattan (L.U. No. 725; 20215014 HAM).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 20, 2021 its request dated January 20, 2021 that the Council approve an

Urban Development Action Area Project (the "Project") located at 96 Baxter Street (Block 198, p/o 126), Community District 1, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, the Council held a public hearing on the Project on February 10, 2021.

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project.

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on February 8, 2021, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

1. **PROGRAM:** HUD Multifamily Program
2. **PROJECT:** Everlasting Pine HDFC
3. **LOCATION:**
- a. **BOROUGH:** Manhattan
- b. **COMMUNITY DISTRICT:** 1
- c. **COUNCIL DISTRICT:** 1
- d. **DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|--------------|------------|-----------------------------|
| 198 | | Part of 12696 Baxter Street |
4. **BASIS OF DISPOSITION PRICE:** The City will modify payments due under the ground lease to the extent necessary to finance additional rehabilitation work
5. **TYPE OF PROJECT:** Conservation
6. **APPROXIMATE NUMBER OF BUILDINGS:** A portion of 1 building
7. **APPROXIMATE NUMBER OF UNITS:** 87 and one superintendent unit
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:** The Disposition Area is comprised of a portion of a building that will be leased subject to existing tenancies. 87 units will be rented at rents that are affordable to seniors earning from 30% to 50% of the area median income (“AMI”). All units will be subject to rent stabilization.
10. **INCOME TARGETS:** The Disposition Area is comprised of a portion of a building that will be leased subject to existing tenancies. Upon vacancy, affordable units will be rented to households earning from 30% to 50% of AMI.
11. **PROPOSED FACILITIES:** None
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Type II
14. **PROPOSED TIME SCHEDULE:** Ground lease will be amended within approximately two years of approvals

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 726

Report of the Committee on Land Use in favor of approving Application No. C 210067 HUM (Harlem East Harlem URP Amendment) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the sixteenth amendment to the Harlem East Harlem Urban Renewal Plan for the Harlem East Harlem Urban Renewal Area, Borough of Manhattan, Community Districts 10 and 11, Council Districts 8 and 9.

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2021 (Minutes, page 239) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CBs - 10 and 11

C 210067 HUM

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the sixteenth amendment to the Harlem East Harlem Urban Renewal Plan for the Harlem East Harlem Urban Renewal Area.

INTENT

To approve the Sixteenth Amended Urban Renewal Plan for the Harlem East Harlem Urban Renewal Area to facilitate the continuation of HPD's administration and management in the Harlem East Harlem Urban Renewal Area (HEHURA) in Manhattan, Community Districts 10 and 11.

PUBLIC HEARING

DATE: February 10, 2021

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** February 18, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** February 24, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against:

None

Abstain:

None

In connection herewith, Council Members Salamanca and Riley offered the following resolution:

Res. No. 1556

Resolution approving the Sixteenth Amended Urban Renewal Plan for the Harlem East Harlem Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 210067 HUM (Preconsidered L.U. No. 726).

By Council Members Salamanca and Riley.

WHEREAS, the Department of Housing Preservation and Development, filed an application pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the sixteenth amendment to the Harlem East Harlem Urban Renewal Plan for the Harlem East Harlem Urban Renewal Area to facilitate the continuation of HPD's administration and management in the Harlem East Harlem Urban Renewal Area (HEHURA) in Manhattan, Community Districts 10 and 11 (ULURP No. C 210067 HUM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on February 8, 2021, its decision dated February 3, 2021 (the "Decision") on the Application;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on February 19, 2021 its request for approval of the Sixteenth Amended Urban Renewal Plan for the Harlem East Harlem Urban Renewal Area, dated December 2020 (the “Plan”);

WHEREAS, the City Planning Commission has certified that the Plan for the Area is an appropriate plan for the Area and complies with provisions of Article 15 of the General Municipal Law, and conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives;

WHEREAS, the City Planning Commission has certified its unqualified approval of the Plan pursuant to Section 505 of the General Municipal Law;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the Plan is subject to review and action by the Council pursuant to Section 505 of the General Municipal Law;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 10, 2021;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Decision and the Plan; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued September 2nd, 2020 (CEQR No. 20HPD071M) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210067 HUM, incorporated by reference herein, and the record before the Council, the Council approves the Decision.

The Council finds that the Area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area, and tends to impair or arrest the sound growth and development of the municipality;

The Council finds that the financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;

The Council finds that the Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;

The Council finds that the Plan conforms to a comprehensive community plan for the development of the municipality as a whole;

The Council finds that there is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or

prices within the financial means of such families or individuals, and reasonably accessible to their places of employment;

The Council finds that the undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area;

The Council approves the designation of the Area pursuant to Section 504 of the General Municipal Law; and

The Council approves the amendment of the Plan pursuant to Section 505 of the General Municipal Law and Section 197-d of the Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 727

Report of the Committee on Land Use in favor of approving Application No. C 190447 ZMK (9114 5th Avenue Rezoning) submitted by BayRide Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b, changing from an existing C8-2 District to an R7A District and establishing within a proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 10, Council District 43.

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2021 (Minutes, page 240) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-10 – TWO APPLICATIONS RELATED TO 9114 FIFTH AVENUE REZONING

C 190447 ZMK (Pre. L.U. No. 727)

City Planning Commission decision approving an application submitted by Bayride Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b:

1. changing from an existing C8-2 District to an R7A District property bounded by a line 85 feet southwesterly of 91st Street, 5th Avenue, 92nd Street, a line 185 feet northwesterly of Fifth Avenue, a line 75 feet northeasterly of 92nd Street, and a line 125 feet northwesterly of Fifth Avenue; and
2. establishing within a proposed R7A District a C2-4 District bounded by a line 85 feet southwesterly of 91st Street, Fifth Avenue, 92nd Street, a line 185 feet northwesterly of Fifth Avenue, a line 75 feet northeasterly of 92nd Street, and a line 125 feet northwesterly of Fifth Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-577.

N 190448 ZRK (Pre. L.U. No. 728)

City Planning Commission decision approving an application submitted by Bayride Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve an amendment to rezone from C8-2 to an R7A/C2-4 and amend a zoning text to modify Appendix F to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2 to facilitate the construction of a new nine-story, approximately 45,000-square-foot mixed-use building with approximately 41 dwelling units and ground floor commercial uses at 9114 Fifth Avenue (Block 6087, Lots 23 and 31) in the Bay Ridge neighborhood of Brooklyn, Community District 10.

PUBLIC HEARING

DATE: February 9, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 23, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on Pre. L.U. Nos. 727 and 728.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 24, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against:

None

Abstain:

Barron

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan*

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 728

Report of the Committee on Land Use in favor of approving Application No. N 190448 ZRK (9114 5th Avenue Rezoning) submitted by BayRide Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 10, Council District 43.

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2021 (Minutes, page 240) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 727 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 729

Report of the Committee on Land Use in favor of approving Application No. C 200190 ZMQ (214-32 Hillside Avenue Rezoning) submitted by Munir M. Islam, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15a, by establishing within an existing R2 District a C2-3 District, Borough of Queens, Community District 13, Council District 23.

The Committee on Land Use, to which the annexed Land Use item was referred on February 11, 2021 (Minutes, page 240) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB - 13****C 200190 ZMQ**

City Planning Commission decision approving an application submitted by Munir M. Islam, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15a, by establishing within an existing R2 District a C2-3 District bounded by Hillside Avenue, 215th Street, a line 100 feet southeasterly of Hillside Avenue, and Vanderveer Street, as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-574.

INTENT

To approve the amendment to rezone the project area from R2 to an R2/C2-3 zoning district to facilitate the development of two-story commercial building at 214-32 Hillside Avenue (Block 10673, Lot 3) in the Queens Village neighborhood of Queens, Community District 13.

PUBLIC HEARING**DATE:** February 9, 2021**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 23, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: February 24, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against: **Abstain:**
None None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1557

Resolution approving the decision of the City Planning Commission on ULURP No. C 200190 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 729).

By Council Members Salamanca and Moya.

WHEREAS, Munir M. Islam, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15a, by establishing within an existing R2 District a C2-3 District to facilitate the development of a two-story commercial building at 214-32 Hillside Avenue (Block 10673, Lot 3) in the Queens Village neighborhood of Queens, Community District 13 (ULURP No. C 200190 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on February 8, 2021, its decision dated February 3, 2021 (the "Decision") on the Application;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 9, 2021;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 3rd, 2020 (CEQR No. 20DCP082Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, hazardous materials, and noise (E-574) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-574) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200190 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 15a, by establishing within an existing R2 District a C2-3 District bounded by Hillside Avenue, 215th Street, a line 100 feet southeasterly of Hillside Avenue, and Vanderveer Street as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-574, Community District 13, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 24, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Brannan.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Rules, Privileges and Elections

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for Res. No. 1546

Report of the Committee on Rules, Privileges and Elections in favor of a Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the Standing Committees of the Council.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on February 25, 2021, respectfully

REPORTS:

PRECONSIDERED RES. NO. 1546: By Council Member Karen Koslowitz

SUBJECT: Preconsidered resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the Standing Committees of the Council

ANALYSIS: Before the Committee, for its consideration, are proposed changes to the membership of certain Standing Committees, through changes to the Rules of the Council. Pursuant to Chapter 2 § 46 of the New York City Charter, the Council sets the rules of its proceedings at the first Stated meeting of each calendar year. These rules may be amended by a resolution introduced and passed by the Council’s Committee on Rules, Privileges and Elections (“Rules Committee”) pursuant to Rules 7.00(a) and 7.70(a), followed by a majority vote of all Council Members pursuant to Rules 7.00(a) and 10.20.

See attached for the changes to membership.

(For the related Standing Committees of the Council listing as of February 25, 2021 following the adoption of the resolution below, please refer to the attachments section of [the Res. No. 1546 of 2021 legislative file](#) found on the New York City Council website at <https://council.nyc.gov>)

Accordingly, this Committee recommends its adoption.

(The following is the text of Preconsidered Res. No. 1546:)

Preconsidered Res. No. 1546

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the Standing Committees of the Council.

By Council Member Koslowitz:

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees and the Land Use Subcommittees.

STANDING COMMITTEES

CONTRACTS

Gennaro

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS

Gennaro

EDUCATION

Gennaro

ENVIRONMENTAL PROTECTION

Gennaro

FIRE AND EMERGENCY MANAGEMENT

Gennaro

MENTAL HEALTH, DISABILITIES AND ADDICTION

Ayala

PARKS AND RECREATION

Gennaro

RESILIENCY AND WATERFRONTSGennaro**SANITATION AND SOLID WASTE MANAGEMENT**Gennaro**WOMEN AND GENDER EQUITY**

[Ayala]

Gennaro

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE, KEITH POWERS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Ayala, R. Diaz, Chin and Perkins.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

GENERAL ORDER CALENDAR

Report for L.U. No. 712 & Res. No. 1558

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200123 ZSM (Cort Theatre) submitted by Cort Theatre LLC and Clarity 47 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-745 of the Zoning Resolution to allow a floor area bonus for the substantial rehabilitation or restoration of a listed theater, as set forth in Section 81-742 (Listed theatres), and to allow the bonus floor area to be utilized anywhere on the zoning lot, on property located at 138 West 48th Street a.k.a. 145 West 47th Street (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59), in C6-5.5 and C6-7T Districts, within the Special Midtown District (Theater Subdistrict), Borough of Manhattan, Community District 5, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2021 (Minutes, page 29) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on February 11, 2021 (Minutes, page 187), respectfully

REPORTS:**SUBJECT****MANHATTAN CB-5 – TWO APPLICATIONS RELATED TO CORT THEATRE****C 200123 ZSM (L.U. No. 712)**

City Planning Commission decision approving an application submitted by Cort Theatre LLC and Clarity 47 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-745 of the Zoning Resolution to allow a floor area bonus for the substantial rehabilitation or restoration of a listed theater, as set forth in Section 81-742 (Listed theaters), and to allow the bonus floor area to be utilized anywhere on the zoning lot, on property located at 138 West 48th Street a.k.a. 145 West 47th Street (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59), in C6-5.5 and C6-7T Districts, within the Special Midtown District (Theater Subdistrict).

N 200124 ZRM (L.U. No. 713)

City Planning Commission decision approving with modifications an application submitted by Cort Theatre LLC and Clarity 47 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII Chapter 1 (Special Midtown District) for the purpose of amending the provisions of a special permit regulating theater rehabilitation bonuses.

INTENT

To grant an approval of the special permit pursuant to ZR Section 81-745 to authorize bonus floor area for the substantial rehabilitation and restoration of the Cort Theatre and amend zoning text to modify two provisions: (a) (2) of ZR Section 81-745 (Floor Area Bonus for Rehabilitation for Existing Listed Theaters) to allow portions of the proposed scope of work to be more clearly eligible for a floor area bonus and (b) would be amended to authorize the CPC to allow, under specified conditions, bonus floor area generated on a split zoning lot to be used anywhere on the zoning lot, to facilitate the renovation of the Cort Theater, located at 138 West 48th Street (Block 1000, Lot 49), as well as the development of a new hotel on the same zoning lot, located at 145 West 47th Street (Block 1000, Lot 11) in the Theater District neighborhood of Manhattan Community Board 5.

PUBLIC HEARING

DATE: January 7, 2021

Witnesses in Favor: Ten

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 712 and approve with modifications the decision of the City Planning Commission on L.U. No. 713.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 11, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated February 16, 2021, with the Council on February 19, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1558

Resolution approving the decision of the City Planning Commission on ULURP No. C 200123 ZSM, for the grant of a special permit (L.U. No. 712).

By Council Members Salamanca and Moya.

WHEREAS, Cort Theatre LLC and Clarity 47 LLC filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-745 of the Zoning Resolution to allow a floor area bonus for the substantial rehabilitation or restoration of a listed theater, as set forth in Section 81-742 (Listed theaters), and to allow the bonus floor area to be utilized anywhere on the zoning lot, on property located at 138 West 48th Street a.k.a. 145 West 47th Street (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59), in C6-5.5 and C6-7T Districts, within the Special Midtown District (Theater Subdistrict), which in conjunction with the related action would facilitate the renovation of the Cort Theatre, located at 138 West 48th Street (Block 1000, Lot 49), as well as the development of a new hotel on the same zoning lot, located at 145 West 47th Street (Block 1000, Lot 11, the “Hotel Site”) in the Theater District neighborhood of Manhattan Community District 5 (ULURP No. C 200123 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on January 4, 2021, its decision dated January 4, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application N 200124 ZRM (L.U. No. 713), a text amendment to Zoning Resolution (ZR) Section 81-745 to permit the distribution of floor area across a zoning lot without regard to district boundaries;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 81-745 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 7, 2021;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 3rd, 2020 (CEQR No. 20DCP003M) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-572) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-572) and Negative Declaration.

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200123 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 200123 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Hill West Architects and Berg + Moss Architects PC, filed with this application and incorporated in this resolution:

| <u>Dwg No.</u> | <u>Title</u> | <u>Last Revised Date</u> |
|----------------|---|--------------------------|
| Z-001 | Zoning Calculations | 02/12/2020 |
| Z-002 | Zoning Lot Site Plan | 02/12/2020 |
| Z-201 | Section- Hotel Development/Cort Theatre | 02/12/2020 |
| Z-202.00 | Section- Hotel Development/Cort Annex | 02/12/2020 |
| Z-203.00 | Section- Hotel Development/As-of-Right Site | 02/12/2020 |
| Z-204 | Section- As-of-Right Site | 02/12/2020 |
| Z-205 | Section- As-of-Right Site | 02/12/2020 |

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 713 & Res. No. 1559

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200124 ZRM (Cort Theatre) submitted by Cort Theater LLC and Clarity 47 LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII Chapter 1 (Special Midtown District) for the purpose of amending the provisions of a special permit regulating theater rehabilitation bonuses, Borough of Manhattan, Community District 5, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2021 (Minutes, page 29) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on February 11, 2021 (Minutes, page 188), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 713 printed above in this General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1559

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200124 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 713).

By Council Members Salamanca and Moya.

WHEREAS, Cort Theatre LLC and Clarity 47 LLC filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article VIII Chapter 1 (Special Midtown District) for the purpose of amending the provisions of a special permit regulating theater rehabilitation bonuses, which in conjunction with the related action would facilitate the renovation of the Cort Theatre, located at 138 West 48th Street (Block 1000, Lot 49), as well as the development of a new hotel on the same zoning lot, located at 145 West 47th Street (Block 1000, Lot 11) in the Theater District neighborhood of Manhattan Community Board 5 (Application No. N 200124 ZRM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on January 4, 2021, its decision dated January 4, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 200123 ZSM (L.U. No. 712), a zoning special permit pursuant to Zoning Resolution Section 81-745 to authorize the granting of bonus floor area in exchange for the substantial rehabilitation of the Cort Theatre, a listed theater as defined in Zoning Resolution Section 81-742;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 7, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 3rd, 2020 (CEQR No. 20DCP003M) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-572) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-572) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200124 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

ARTICLE VIII

SPECIAL PURPOSE DISTRICTS

* * *

Chapter 1

Special Midtown District

* * *

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-74

Special Incentives and Controls in the Theater Subdistrict

* * *

81-745

Floor area bonus for rehabilitation of existing listed theaters

The City Planning Commission by special permit may authorize bonus #floor area# for substantial rehabilitation or restoration of any theater listed as a “listed theater” in Section 81-742 (Listed theaters), in accordance with the provisions of this Section.

(a) Conditions for rehabilitation bonus

As a condition for the issuance of a special permit under the provisions of this Section, the following requirements shall be satisfied:

(1) Location of #development#

The #development# or #enlargement# for which a theater rehabilitation bonus is granted is located on the same #zoning lot# as the “listed theater.”

(2) Qualification of substantial rehabilitation

Substantial rehabilitation work qualifying for a #floor area# bonus shall consist of major ~~interior~~-structural changes for the purpose of improving a theater’s design and its commercial viability for legitimate theater #use#, or historic restoration of the interior of a theater designated as an interior landmark.

Substantial rehabilitation may include, without limitations, such work as expanding stage wings, re-raking the orchestra, increasing rehearsal, dressing room or lobby and ancillary spaces, improving accessibility beyond applicable legal requirements, or historic restoration. It may also include reconversion to legitimate theater #use# of an original legitimate theater currently in other #use#. Substantial rehabilitation does not mean normal theater maintenance, painting or improvements to mechanical systems alone.

(3) Timing and commitment

- (i) there shall be a contractual commitment or commitments for the construction work involved in the substantial rehabilitation;
- (ii) the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be satisfied; and
- (iii) a rehabilitation bonus shall not be granted for a substantial rehabilitation completed before May 13, 1982.

(b) Amount of rehabilitation bonus

The amount of bonus #floor area# granted for a qualifying theater rehabilitation shall be at the discretion of the Commission after consideration of the following findings:

- (1) how and to what extent the proposed rehabilitation will improve the theater's suitability for #use# as a legitimate theater;
- (2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theater Subdistrict;
- (3) whether the bonus #floor area# will unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area; and
- (4) whether the distribution and location of such #floor area# bonus will adversely affect the surrounding area by restricting light and air or otherwise impair the essential character or future development of the surrounding area.

Such bonus #floor area# shall not exceed 20 percent of the basic maximum #floor area# permitted on the #zoning lot# containing the #development# or #enlargement# by the regulations of the underlying district, except that in the case of an underlying C6-4, C6-5 or M1-6 District, the bonus #floor area# shall not exceed 44 percent of the basic maximum #floor area# permitted in such underlying district, and except that in the case of a #zoning lot# located ~~wholly or~~ partially in a C6-5.5 District and partially in a C6-7T District, the Commission may allow bonus #floor area# to be utilized anywhere on the #zoning lot#.

For purposes of applying the provisions of Section 11-42 (Lapse of Authorization or Special Permit by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to a special permit granted pursuant to this Section, "substantial construction" shall mean substantial rehabilitation, as described in paragraph (b) of this Section, of the subject theater for which a #floor area# bonus has been granted to a related #development# or #enlargement#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding areas.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 720 & Res. No. 1560

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190517 ZMQ (42-01 28th Avenue Rezoning) submitted by Vlacich, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 9a and 9c, establishing within an R5 District a C1-2 District, changing from an R5 District to an R6A District, and establishing within the proposed R6A District a C1-2 District, Borough of Queens, Community District 1, Council District 22.

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 135) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on February 11, 2021 (Minutes, page 191), respectfully

REPORTS:

SUBJECT

QUEENS CB-1 – TWO APPLICATIONS RELATED TO 42-01 28TH AVENUE REZONING

C 190517 ZMQ (Pre. L.U. No. 720)

City Planning Commission decision approving an application submitted by Vlacich, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 9a and 9c by:

1. establishing within an R5 District a C1-2 District bounded by 42nd Street, a line 150 feet northeasterly of 28th Avenue, 43rd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, and a line 125 feet northeasterly of 28th Avenue;
2. changing from an R5 District to an R6A District property bounded by 41st Street, a line 100 feet northeasterly of 28th Avenue, 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street, and 28th Avenue;

3. establishing within the proposed R6A District a C1-2 District bounded by 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street, and 28th Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-578.

N 190518 ZRQ (Pre. L.U. No. 721)

City Planning Commission decision approving an application submitted by Vlacich, LLC, pursuant to Sections 200 and 201 of the New York City Charter, to amend Appendix F of the New York City Zoning Resolution establishing and mapping the area to be rezoned as a Mandatory Inclusionary Housing Area.

INTENT

To approve the amendment to the Zoning Map Section Nos. 9a and 9c, to change from R5 and R5/C1-2 districts to R6A and R6A/C1-2 zoning districts and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2, to facilitate the construction of an eight-story mixed-use building located at 42-01 28th Avenue in Astoria, Queens, Community District 1.

PUBLIC HEARING

DATE: January 26, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 720 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 721.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 11, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

Against:

None

Abstain:

Barron

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated February 16, 2021, with the Council on February 19, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 1560

Resolution approving the decision of the City Planning Commission on ULURP No. C 190517 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 720).

By Council Members Salamanca and Moya.

WHEREAS, Vlacich, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9a and 9c, establishing within an R5 District a C1-2 District, changing from an R5 District to an R6A District, and establishing within the proposed R6A District a C1-2 District, which in conjunction with the related action would facilitate the construction of an eight-story mixed-use building located at 42-01 28th Avenue in Astoria, Queens, Community District 1 (ULURP No. C 190517 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on January 22, 2021, its decision dated January 20, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 190518 ZRQ (Pre. L.U. No. 721), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2021;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 14th, 2020 (CEQR No. 20DCP043Q) which include an (E) designation related to hazardous materials, air quality, and noise would be established in connection with the proposed action (E-578) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-578) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190517 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 9a and 9c:

1. establishing within an R5 District a C1-2 District bounded by 42nd Street, a line 150 feet northeasterly of 28th Avenue, 43rd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, and a line 125 feet northeasterly of 28th Avenue;
2. changing from an R5 District to an R6A District property bounded by 41st Street, a line 100 feet northeasterly of 28th Avenue, 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street, and 28th Avenue;
3. establishing within the proposed R6A District a C1-2 District bounded by 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street; and 28th Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-578, Borough of Queens, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; *Committee on Land Use, February 11, 2021 (Remote Hearing). Other Council Members Attending: Council Members Perkins and Powers.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 721 & Res. No. 1561

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190518 ZRQ (42-01 28th Avenue Rezoning) submitted by Vlacich, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 135) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on February 11, 2021 (Minutes, page 193), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 720 printed above in this General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:
Res. No. 1561

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190518 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 721).

By Council Members Salamanca and Moya.

WHEREAS, Vlacich, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, to amend Appendix F of the New York City Zoning Resolution establishing and mapping the area to be rezoned as a Mandatory Inclusionary Housing Area utilizing Options 1 and 2, which in conjunction with the related action would facilitate the construction of an eight-story mixed-use building on a property located at 42-01 28th Avenue in Astoria, Queens, Community District 1 (Application No. N 190518 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on January 22, 2021, its decision dated January 20, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 190517 ZMQ (Pre. L.U. No. 720), a zoning map amendment from R5 and R5/C1-2 to R6A and R6A/C1-2;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 26, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 14th, 2020 (CEQR No. 20DCP043Q) which include an (E) designation related to hazardous materials, air quality, and noise would be established in connection with the proposed action (E-578) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-578) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190518 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;
 Matter ~~struck out~~ is to be deleted;
 Matter within # # is defined in Section 12-10;
 Matter ~~double struck out~~ is old, deleted by the City Council
 Matter double underlined is new, added by the City Council
 * * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

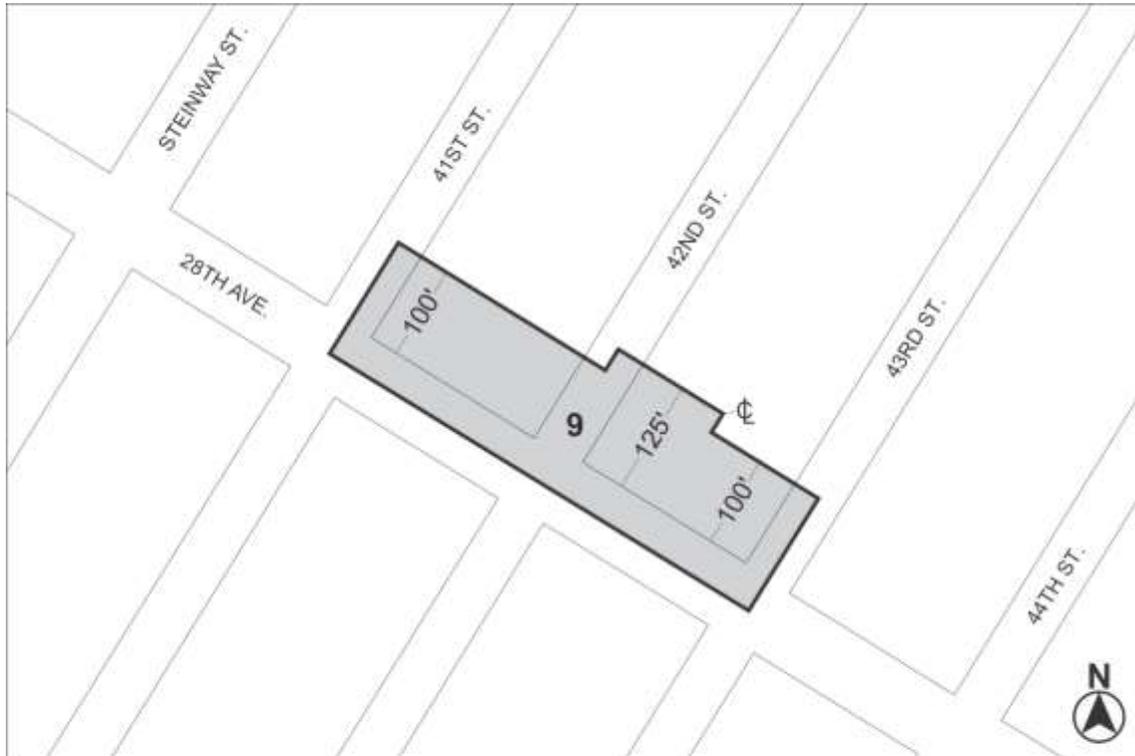
QUEENS

* * *

Queens Community District 1

* * *

Map 9 – [date of adoption]



 Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area 9 – [date of adoption] – MIH Program Option 1 and Option 2

Portion of Community District 1, Queens

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

On motion of the Speaker (Council Member Johnson), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1) **M-288 & Res 1548 -** Transfer City funds between various agencies in Fiscal Year 2021 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter **(MN-3)**.
- (2) **M-289 & Res 1549 -** Appropriation of new City revenues in Fiscal Year 2021, pursuant to Section 107(e) of the New York City Charter **(MN-4)**.
- (3) **Int 1591-B -** Conducting a study regarding the feasibility of constructing a new wastewater treatment facility on Rikers Island.
- (4) **Int 1839-A -** An annual report on the progress of the Brooklyn Navy Yard master plan.
- (5) **Int 1849-A -** Establishing fire safety provisions for film production locations and requiring production location fire safety managers for certain rigging, filming and production activities
- (6) **Int 1852-A -** Fire safety at film production locations and to providing the fire department and local firehouses with information about field conditions at film production locations.
- (7) **Int 2046-A -** Capital commitment plans and capital project detail data reports.
- (8) **Int 2225-A -** A plan for COVID-19 vaccination of homebound seniors, reporting on such plan, and providing for the repeal of such provisions upon the expiration thereof.
- (9) **Int 2230 -** The date by which the Council shall submit recommendations in regard to the Preliminary Budget.
- (10) **Int 2231 -** Extending to the 2021-22 assessment roll the renewal of certain residential property taxation exemptions received on the 2020-21

assessment roll for persons 65 years of age or over and persons with disabilities, and to provide for the repeal thereof.

- (11) **Res 1544 -** The new designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (12) **Res 1546 -** Amending Rule 7.00 of the Rules of the Council in relation to **changes in membership** of the Standing Committees of the Council.
- (13) **L.U. 712 & Res 1558 -** App. C **200123 ZSM (Cort Theatre)** Borough of Manhattan, Community District 5, Council District 4.
- (14) **L.U. 713 & Res 1559 -** App. N **200124 ZRM (Cort Theatre)** Borough of Manhattan, Community District 5, Council District 4.
- (15) **L.U. 720 & Res 1560 -** App. C **190517 ZMQ (42-01 28th Avenue Rezoning)** Borough of Queens, Community District 1, Council District 22.
- (16) **L.U. 721 & Res 1561 -** App. N **190518 ZRQ (42-01 28th Avenue Rezoning)** Borough of Queens, Community District 1, Council District 22.
- (17) **L.U. 722 & Res 1552 -** App. C **200062 ZMK (16th Avenue Rezoning)** Borough of Brooklyn, Community District 12, Council District 44 (**Coupled to be Disapproved**).
- (18) **L.U. 723 & Res 1553 -** App. N **200063 ZRK (16th Avenue Rezoning)** Borough of Brooklyn, Community District 12, Council District 44 (**Coupled to be Disapproved**).
- (19) **L.U. 724 & Res 1554 -** App. **20215012 HKK / N 210194 HKK (East 25th Street Historic District)** Borough of Brooklyn, Community District 17, Council District 45.

- (20) L.U. 725 & Res 1555 - App. 20215014 HAM (Everlasting Pine HDFC Ground Lease Amendment) Borough of Manhattan, Community District 1, Council District 1.
- (21) L.U. 726 & Res 1556 - App. C 210067 HUM (Harlem East Harlem URP Amendment) Borough of Manhattan, Community Districts 10 and 11, Council Districts 8 and 9.
- (22) L.U. 729 & Res 1557 - App. C 200190 ZMQ (214-32 Hillside Avenue Rezoning) Borough of Queens, Community District 13, Council District 23.
- (23) L.U. 731 & Res 1550 - 1045 Anderson Avenue HDFC, Block 2508, Lot 26; Bronx, Community District No. 4, Council District 8.
- (24) L.U. 732 & Res 1551 - 728 Driggs Avenue HDFC, Block 2406, Lot 26; Brooklyn, Community District No. 1, Council District 34.

The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

Affirmative – Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Preconsidered M-288 & Res. No. 1548:**

Affirmative – Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gennaro, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

Negative – Borelli, Holden, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **5**.

The following was the vote recorded for **Preconsidered Int. No. 2231**:

Affirmative – Ampry-Samuel, Ayala, Chin, Constantinides, D. Diaz, Dromm, Gennaro, Gibson, Grodenchik, Kallos, Koo, Koslowitz, Levin, Levine, Maisel, Miller, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **28**.

Negative – Barron, Borelli, Brannan, Cabrera, Cornegy, Deutsch, R. Diaz, Eugene, Gjonaj, Holden, Lander, Louis, Menchaca, Reynoso, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **17**.

Abstention – Vallone – **1**.

The following was the vote recorded for **L.U. No. 720 & Res. No. 1560 and L.U. No. 721 & Res. No. 1561**:

Affirmative – Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 1591-B, 1839-A, 1849-A, 1852-A, 2046-A, 2225-A, 2230, and 2231.*

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote item Res. No. 1416-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.

The Committee on Immigration, to which the annexed amended resolution was referred on September 16, 2020 (Minutes, page 1815), respectfully

REPORTS:

I. INTRODUCTION

On February 25, 2021, the Committee on Immigration, chaired by Council Member Menchaca, held a second hearing and a vote on the following legislation: Res. No. 1416-A, sponsored by Council Member Eugene, in relation to halting deportations during the coronavirus pandemic; Res. No. 1417-A, sponsored by Council Member Eugene, in relation to a moratorium on removal proceedings for employment-based visa holders; Res. No. 1418-A, sponsored by Council Member Eugene, in relation to relief for employment-based visa holders; and Res. No. 1419-A, sponsored by Council Member Moya, in relation to relief for family members of frontline workers who passed away due to COVID-19. The committee heard prior versions of these resolutions on September 17, 2020. On February 25, 2021, the Committee approved the package of resolutions unanimously.

II. LEGISLATIVE ANALYSIS OF RES. NO. 1416-A

Res. No. 1416-A (Council Member Eugene) calls on the U.S. Department of Homeland Security (DHS) to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease. The U.S. has continued to lead in the number of COVID-19 cases worldwide, with more than 28 million positive cases and over 502,000 deaths. Many other countries are struggling to contain the ever-evolving COVID-19 pandemic. On March 19, 2020, the U.S. Department of State issued a global “Level 4 – Do Not Travel” warning, recommending that U.S. citizens avoid all international travel due to the virus. While the Department of State lifted this warning in August 2020, the U.S. Center for Disease Control and Prevention (CDC) continues to recommend against all travel to more than 150 destinations due to COVID-19. Meanwhile, DHS continued to conduct thousands of international deportations throughout 2020, and into 2021, against CDC standards, which advises that transfers of detained individuals should be restricted unless necessary. To date, at least 11 countries have reported COVID-19 outbreaks linked to ICE deportations of their expatriates. The former Trump Administration coerced countries to assist in the United States’ immigration policy by accepting deportees at the risk of visa denials and access to critical medical supplies, such as ventilators. While more than 200 detained individuals in New York City-area ICE facilities have been released on a case-by-case basis, ICE continues to deport New Yorkers contravening expert guidance, risking further transmissions internationally. Since the Committee’s first hearing of the resolution, Res. No. 1416-A has been amended to update the statistics and dated references to the now former Trump administration.

III. LEGISLATIVE ANALYSIS OF RES. NO. 1417-A

Res. No. 1417-A (Council Member Eugene) calls on the U.S. Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic. The Center for New York City Affairs assessed the devastating economic impact of the pandemic, finding that New York City lost 750,000 private sector and independent contractor jobs between February and December 2020, and as of January 2021, more than 1.3 million New Yorkers were receiving unemployment benefits. This economic downturn is in part due to precautionary lockdown measures initiated by Governor Cuomo's March 22, 2020 "NY on PAUSE" Executive Order. Foreign-born New Yorkers are particularly vulnerable to job loss during the pandemic: while 49 percent of all private sector jobs were held by foreign-born workers, foreign-born workers account for 54 percent of those who lost jobs. Widespread layoffs and staff furloughs could turn from loss of employment-based status to removal proceedings for foreign-born workers. Throughout 2020, the Trump Administration prioritized the deportation of foreign-born nationals in spite of the pandemic, and without a moratorium on removal proceedings, individuals in the U.S. formerly on employment-based visas could be targeted for removal. Proposed Res. No. 1417-A thus calls for the DHS to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic. Since the Committee's first hearing of the resolution, Res. No. 1417-A has been amended to update the statistics and dated references to the now former Trump administration.

IV. LEGISLATIVE ANALYSIS OF RES. NO. 1418-A

Res. No. 1418-A (Council Member Eugene) calls on the United States to pass, and the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic. The Center for New York City Affairs assessed the devastating economic impact of the pandemic, finding that New York City lost 750,000 private sector and independent contractor jobs between February and December 2020, and as of January 2021, more than 1.3 million New Yorkers were receiving unemployment benefits. This economic downturn is in part due to precautionary lockdown measures initiated by Governor Cuomo's March 22, 2020 "NY on PAUSE" Executive Order. Nationally, a disproportionate share of foreign-born individuals, one-in-five, are employed in industries facing major lay-offs as compared to 17 percent of their U.S.-born counterparts. Foreign-born workers have lower incomes and larger families, on average, than their U.S.-born counterparts working in the same industries, with half the rate of health insurance, and significantly lower median earnings, less than \$30,000, as compared to \$48,000. Foreign-born individuals experienced a greater increase in unemployment in the first months of the pandemic than U.S.-born workers, with Latinos experiencing the highest rates of unemployment.

In 2019, prior to the pandemic, the U.S. issued 8.7 million non-immigrant visas, which included employment-based visas, largely issued under very specific criteria, requiring recipients to re-apply should employment circumstances change in any way. With widespread layoffs and staff furloughs, hundreds of thousands of foreign-born individuals, formerly active members of the U.S. workforce, could find themselves losing lawful work authorization and resident status. New York City's recovery will not be possible without full participation of all New Yorkers, including its foreign-born workforce. Thus, Res. No. 1418-A calls on the federal government to create a legislative solution to provide temporary work and residency authorization for foreign-born individuals who have been laid off or furloughed due to the COVID-19 pandemic. Since the Committee's first hearing of the resolution, Res. No. 1418-A has been amended to update the statistics and dated references to the now former Trump administration.

V. LEGISLATIVE ANALYSIS OF RES. NO. 1419-A

Res. No. 1419-A (Council Member Moya) calls on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19. Nationally, foreign-born individuals account for a larger share of essential workers, including 17 percent of the healthcare workforce, while in New

York, the foreign-born share of the healthcare workforce is more than twice the national average. In fact, in New York City, 47 percent of hospital medical staff and more than 79 percent of home health aides are foreign-born, across the five boroughs.¹

A large proportion of foreign-born frontline workers in the healthcare profession are present in the U.S. on nonimmigrant employment-based visas, which are restrictive and require individuals to re-apply should circumstances warrant any changes of employment. Certain nuclear family members may derive visas from a primary nonimmigrant visa-holder, but if this primary visa-holder passes away, then all family members on derived visas must return to their countries of origin. In many cases, families on such visas have established lives in the United States, with employment, schooling, and connections to local communities that make it very difficult to uproot and return to their countries of origin. It is imperative that Congress enact legislation to ensure that families do not lose their lawful status as a result of the fatal contraction of COVID-19 by their frontline working family member. Since the Committee's first hearing of the resolution, Res. No. 1419-A has been amended to update the statistics and dated references to the now former Trump administration.

(For text of Res. Nos. 1417-A, 1418-A and 1419-A, please see the Report of the Committee on Immigration for Res. Nos. 1417-A, 1418-A, and 1419-A, respectively, printed in the voice-vote Resolutions calendar section of these Minutes; for text of Res. No. 1416-A, please see below)

Accordingly, this Committee recommends the adoption of Res. Nos. 1416-A, 1417-A, 1418-A, and 1419-A:

(The following is the text of Res. No.1416-A:)

Res. No. 1416-A

Resolution calling on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.

By Council Members Eugene, Kallos, Rosenthal, Ayala and Louis.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019, and by mid-February 2021, there were more than 112 million cases reported across the world, with more than two million deaths linked to the disease; and

Whereas, At the same time, the United States (U.S.) continues to lead in the number of confirmed COVID-19 cases worldwide, with more than 28 million positive cases and 502,000 deaths; and

Whereas, Many countries are struggling to deal with the ever-evolving COVID-19 pandemic, so much so that the United States Department of State (DOS) issued a global "Level 4 – Do Not Travel" warning, as of March 19, 2020, recommending that all U.S. citizens avoid all international travel due to the virus; and

Whereas, While the Department of State lifted this warning in August, 2020, the U.S. Center for Disease Control and Prevention (CDC) continues to recommend against all travel to more than 150 destinations due to COVID-19; and

Whereas, The possibility of disease transmission remains as the United States Department of Homeland Security (DHS) continues to conduct international deportations to many of these locations; and

Whereas, Deportees pose a risk to both the U.S. and the countries receiving them, many of which are ill-equipped to handle large-scale COVID-19 outbreaks; and

Whereas, In the case of detained individuals, United States Immigration and Customs Enforcement (ICE) facilities have been rife with COVID-19 clusters, raising the risk that if detained individuals are deported, they could infect individuals in their countries of origin; and

¹ Mayor's Office of Immigrant Affairs, *2019 Annual Report* (March 2020), <https://www1.nyc.gov/site/immigrants/about/annual-report.page>.

Whereas, In standards governing detention facilities, the CDC has advised that transfers should be restricted unless absolutely necessary, as transfers of detained individuals risk spreading the virus; and

Whereas, Against CDC standards, DHS has transferred and deported thousands of people in its custody to their countries of origin since the onset of the pandemic; and

Whereas, As part of its removal procedure, ICE conducts a “visual screening consistent with its own guidance,” and checks body temperatures prior to boarding airplanes, which are insufficient protocols for determining if a person is infected with SAR-CoV-2; and

Whereas, International advocates including Amnesty International called on former DHS Acting Secretary Chad Wolf to halt deportations for domestic and international public health; and

Whereas, By the end of April 2020, one in five COVID-19 cases in Guatemala were individuals recently deported from the United States, prompting the Guatemalan government to place a cap on the number of deportees from the U.S. it would accept on a weekly basis; and

Whereas, By July 2020, individuals deported to at least eleven different countries tested positive for COVID-19 following removal proceedings; and

Whereas, The former Trump administration coerced countries to assist in the United States’ immigration policy by accepting deportees at the risk of visa denials and access to critical medical supplies; and

Whereas, As of February 2021, 14,087 individuals were detained in ICE custody nationally, and in the New York City-area, there have been over 7,000 new removal orders filed in immigration courts in fiscal year 2020 alone, with a backlog of immigration court cases well over 108,000; and

Whereas, While more than 200 detained individuals in New York City-area ICE facilities have been released on case-by-case basis, ICE continues to deport individuals contravening expert guidance, putting immigrant New Yorkers at risk of infection, and risking further transmissions internationally; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, MARGARET S. CHIN, DANIEL DROMM, FRANCISCO P. MOYA; Committee on Immigration, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Vallone.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 3 Council Members formally noted their intent to vote negative on this item: Council Members Borelli, Holden, and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 1417-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling on the United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.

The Committee on Immigration, to which the annexed amended resolution was referred on September 16, 2020 (Minutes, page 1816), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Res. No. 1416-A printed above in this voice-vote Resolutions calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1417-A:)

Res. No. 1417-A

Resolution calling on the United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.

By Council Members Eugene, Kallos, Chin, Rosenthal, Ayala and Louis.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019; by mid-February 2021, there were more than 112 million cases reported across the world and more than two million deaths linked to the disease; and

Whereas, In New York City, there were more than 700,000 confirmed cases of COVID-19 and more than 28,000 confirmed deaths from the disease by February 2021; and

Whereas, In order to help slow the spread of the virus, New York Governor Cuomo signed the New York State on PAUSE executive order that, amongst other things, closed all non-essential businesses effective March 22, 2020; and

Whereas, The Center for New York City Affairs assessed the devastating economic impact of the pandemic, finding that New York City lost 750,000 private sector and independent contractor jobs between February and December 2020, and as of January 2021, more than 1.3 million New Yorkers were receiving unemployment benefits; and

Whereas, Foreign-born New Yorkers are particularly vulnerable to job loss during the pandemic: while 49 percent of all private sector jobs were held by foreign-born workers, foreign-born workers account for 54 percent of those who lost jobs; and

Whereas, In 2019, prior to the pandemic, the U.S. issued 8.7 million non-immigrant visas, which include employment-based visas; and

Whereas, Employment-based visas are issued under specific criteria including listing the employer, and require recipients to re-apply should circumstances warrant any changes of employment; and

Whereas, Washington D.C.-based think tank, Niskanen Center, estimated that as many as 250,000 foreign-born workers on temporary visas seeking green cards could have fallen out of lawful status by June 2020; and

Whereas, With widespread layoffs and staff furloughs, hundreds of thousands of foreign-born individuals who were formerly active members of the U.S. workforce, could find themselves losing lawful work authorization and resident status; and

Whereas, The former Trump Administration issued two different actions to limit access to employment-based visas during the pandemic, through Presidential Proclamations on April 22, 2020 and on June 22, 2020; and

Whereas, These actions have been met by harsh criticism from multiple sectors, including the technological industry, and have already led to the separation of families, including at least 1,000 Indian nonimmigrant work-related based visas; and

Whereas, The foreign-born workforce is critical to the economic recovery in the U.S. broadly, but especially in the New York City, where 65.5 percent of the City’s foreign-born residents participate in the labor force; and

Whereas, It is imperative that a moratorium on removal proceedings be put into effect for individuals who retained lawful status tied to their employer up until the start of COVID-19 pandemic; now, therefore, be it

Resolved, That the Council of the City of New York calls on United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, MARGARET S. CHIN, DANIEL DROMM, FRANCISCO P. MOYA; Committee on Immigration, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Vallone.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 2 Council Members formally noted their intent to vote negative on this item: Council Members Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 1418-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling upon the United States Congress to pass, and the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.

The Committee on Immigration, to which the annexed amended resolution was referred on September 16, 2020 (Minutes, page 1817), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Res. No. 1416-A printed above in this voice-vote Resolutions calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1418-A:)

Res. No. 1418-A

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.

By Council Members Eugene, Kallos, Chin, Rosenthal, Ayala and Louis.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019, by mid-February 2021, there were more than 112 million cases reported across the world and more than two million deaths linked to the disease; and

Whereas, In New York City, there were more than 700,000 confirmed cases of COVID-19 and more than 28,000 confirmed deaths from the disease by February 2021; and

Whereas, In order to help slow the spread of the virus, New York Governor Cuomo signed the New York State on PAUSE executive order that, amongst other things, closed all non-essential businesses effective March 22, 2020; and

Whereas, The Center for New York City Affairs assessed the devastating economic impact of the pandemic, finding that New York City lost 750,000 private sector and independent contractor jobs between February and December 2020, and as of January 2021, more than 1.3 million New Yorkers were receiving unemployment benefits; and

Whereas, Nationally, foreign-born individuals account for 17 percent of the national workforce, but a larger share (19 percent) of the coronavirus-response frontline occupations, or six million individuals across essential industries such as: healthcare (17 percent foreign-born), essential retail and wholesale (18 percent foreign-born), manufacturing (26 percent foreign-born), agriculture, forestry, fishing and hunting (27 percent foreign-born), transportation (34 percent foreign-born), and scientific research and development (22 percent foreign-born); and

Whereas, Nationally, a disproportionate share of foreign-born individuals, one-in-five, are employed in industries facing major lay-offs as compared to 17 percent of their U.S.-born counterparts; and

Whereas, In New York, the foreign-born share of the health care workforce (37 percent) is twice the national average, with high rates of foreign-born registered nurses (29 percent), and the highest share of home health aides (75 percent); and

Whereas, Hardest-hit industries with over-representation of a foreign-born workforce includes accommodations and food services (22 percent foreign-born), personal Services and private households (30 percent foreign-born), and Building Services (38 percent foreign-born), among others; and

Whereas, Foreign-born workers have lower incomes and larger families, on average, than their U.S.-born counterparts working in the same industries, with half the rate of health insurance; and

Whereas, Foreign-born New Yorkers who have not become naturalized citizens have significantly lower median earnings, less than \$30,000, as compared to \$48,000 for U.S.-born New Yorkers; and

Whereas, Foreign-born individuals experienced greater increased in unemployment in the first months of the pandemic than U.S.-born workers, with Latinos experiencing the highest rates of unemployment; and

Whereas, In 2019, prior to the pandemic, the U.S. issued 8.7 million non-immigrant visas, which include employment-based visas; and

Whereas, Employment-based visas are issued under very specific criteria including listing the employer, and require recipient to re-apply should circumstances warrant any changes of employment; and

Whereas, Washington D.C.-based think tank, Niskanen Center, estimates that as many as 250,000 foreign-born workers on temporary visas seeking green cards could fall out of lawful status by June 2020; and

Whereas, With widespread layoffs and staff furloughs, hundreds of thousands of foreign-born individuals, formerly active members of the U.S. workforce, could find themselves losing lawful work authorization and resident status; and

Whereas, The former Trump Administration issued two different actions to limit access to employment-based visas during the pandemic, through Presidential Proclamations on April 22, 2020 and on June 22, 2020 and

Whereas, These actions have been met by harsh criticism from multiple sectors, including the technological industry, and have already led to the separation of families, including at least 1,000 Indian nonimmigrant work-related based visas; and

Whereas, New York City, once considered the epicenter of the global pandemic, has long championed the rights of its immigrant residents, currently more than 3 million strong; and

Whereas, The City's economic recovery will not be possible without full participation of all New Yorkers, and most especially its foreign-born workforce; and

Whereas, In order to maintain the strength of the City’s foreign-born workforce, the federal government must create a solution to provide temporary work and residency authorization for foreign-born individuals who have been laid off or furloughed due to the COVID-19 pandemic; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, MARGARET S. CHIN, DANIEL DROMM, FRANCISCO P. MOYA; Committee on Immigration, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Vallone.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 2 Council Members formally noted their intent to vote negative on this item: Council Members Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 1419-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19.

The Committee on Immigration, to which the annexed amended resolution was referred on September 16, 2020 (Minutes, page 1822), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Res. No. 1416-A printed above in this voice-vote Resolutions Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1419-A:)

Res. No. 1419-A

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19.

By Council Members Moya, Kallos, Yeger, Chin, Adams, Rosenthal, Ayala, Eugene and Louis.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019, and by mid-February 2021, there were more than 112 million cases reported across the world and more than two million deaths linked to the disease; and

Whereas, In New York City, there were more than 700,00 confirmed cases of COVID-19 and more than 28,000 confirmed deaths from the disease by February 2021; and

Whereas, Nationally, foreign-born individuals account for a larger share of essential workers, including 17 percent of the healthcare workforce; and

Whereas, In New York, the foreign-born share of the healthcare workforce is more than twice the national average, with high rates of foreign-born registered nurses, and the highest share of home health aides; and

Whereas, New York City's Mayor's Office of Immigrant Affairs estimates that more than 47 percent of hospital medical staff and more than 79 percent of home health aides are foreign-born, across the five boroughs; and

Whereas, A large proportion of foreign-born frontline workers in the healthcare profession are present in the United States on nonimmigrant visas; and

Whereas, Employment-based nonimmigrant visas are restrictive and must specify an employer and location of employment, requiring individuals to re-apply should circumstances warrant any changes of employment; and

Whereas, Certain nuclear family members may derive visas from a primary nonimmigrant visa-holder, but if this primary visa-holder passes away then all family members on derived visas must return to their countries of origin; and

Whereas, In many cases, families on such visas have established lives in the United States, with employment, schooling, and connections to local communities that make it very difficult to uproot and return to their countries of origin; and

Whereas, This is additionally difficult for children who may no memory of their birthplace or may be U.S.-born citizens themselves; and

Whereas, In May 2020, the United States House of Representatives passed the HEROES Act (H.R. 6800) sponsored by U.S. Representative Nita Lowey (D-NY), which, among other things, provided specific immigration relief to surviving family members of frontline healthcare workers who passed away as a result of contracting COVID-19; and

Whereas, Congressional action on this specific provision is desperately needed as families are already fighting their pending deportations, brought about by fatal SARS-CoV-2 infections; and

Whereas, In August 2020, ProPublica highlighted significant under-reporting of COVID-19 related deaths within the healthcare profession by New York State, the U.S. Center for Disease Control and the U.S. Occupational Safety and Health Administration, among other entities; and

Whereas, As a result, it is difficult to estimate the number of healthcare professionals who have contracted fatal COVID-19 infections, despite higher levels of exposure; and

Whereas, The deaths of visa-sponsoring individuals is likely to put many immigrant New Yorkers at risk of losing their own immigration statuses and subjecting them to removal proceedings solely because their family members sacrificed their lives to help others during an unprecedented global pandemic; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for the noncitizen family members who derive lawful status from a frontline worker who passed away due to COVID-19.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, MARGARET S. CHIN, DANIEL DROMM, FRANCISCO P. MOYA; Committee on Immigration, February 25, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Vallone.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 2 Council Members formally noted their intent to vote negative on this item: Council Members Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 1473

Report of the Committee on Education in favor of approving a Resolution calling upon the New York City Department of Education to provide families of children with disabilities the necessary training and equipment to properly enable distance learning.

The Committee on Education, to which the annexed resolution was referred on October 29, 2020 (Minutes, page 2318), respectfully

REPORTS:

I. INTRODUCTION

On Wednesday, February 24, 2021, the Committee on Education, chaired by Council Member Mark Treyger, held a vote on Resolution Number 1473, sponsored by Council Member Farah Louis. The Committee previously heard testimony on this legislation from the NYC Department of Education (DOE) as well as advocacy groups and organizations, and other interested stakeholders at a joint hearing held with the Committee on Women and Gender Equity on December 16, 2020. On February 24, 2021, the Committee passed Resolution Number 1473 by a vote of 15 in the affirmative, zero in the negative, with zero abstentions.

II. BACKGROUND

Access to Childcare Pre-COVID-19

Access to affordable childcare was limited¹ well before NYC became the national epicenter of the novel coronavirus (“COVID-19”).² Childcare challenges are a barrier to work, especially for mothers, who disproportionately take on unpaid caregiving responsibilities when their family cannot find or afford childcare.³ While the City has invested in universal pre-kindergarten programs for three- and four-year-olds,⁴ many low- and moderate-income caregivers still struggle with the high cost of childcare for infants and toddlers, and for after school care for children of all ages.⁵

According to a 2019 report by the NYC Comptroller on care for children under three (“Comptroller’s 2019 Report”), the best available data on childcare costs at the local level come from a survey of childcare providers conducted by the New York State Office of Children and Family Services (OCFS), which sets childcare

¹ See for example, NYC Comptroller Scott M. Stringer, *NYC Under 3: A Plan to Make Child Care Affordable for New York City Families* (May 2019), available at <https://comptroller.nyc.gov/wp-content/uploads/documents/Child-Care-Report.pdf>.

² Centers for Disease Control and Prevention, “COVID-19 Outbreak — New York City, February 29–June 1, 2020” Morbidity and Mortality Weekly Report (MMWR) (Nov. 20, 2020), available at <https://www.cdc.gov/mmwr/volumes/69/wr/mm6946a2.htm>.

³ John Halpin, et al., *Affordable Child Care and Early Learning for All Families*, Center for American Progress (2018), available at <https://cdn.americanprogress.org/content/uploads/2018/09/12074422/ChildCarePolling-report.pdf>.

⁴ NYC Mayor Bill de Blasio, “Mayor de Blasio and Chancellor Carranza Announce Over 9,500 Families Receiving 3-K for All Offers,” Press Office (May 30, 2019), available at <https://www1.nyc.gov/office-of-the-mayor/news/270-19/mayor-de-blasio-chancellor-carranza-over-9-500-families-receiving-3-k-all-offers#:~:text=As%20part%20of%20the%202019,up%20from%20six%20originally%20planned.>

⁵ *Supra* note 1.

subsidy market rates at the 69th percentile of the prices reported by providers.⁶ As of 2018, when the market-rate survey was last conducted, the annual cost of center-based care at the 69th percentile in NYC was \$21,112 for infants and \$16,380 for toddlers, or \$18,746 on average for children under three.⁷ The annual cost of family day care provided in a residence averaged \$10,331 for children under three, with the difference in costs likely reflecting the added overhead to run center-based programs, which are often large commercial properties that serve more children, and generally require more staffing.⁸ Center-based care for an infant would consume more than two-thirds (68 percent) of the income of a single parent working full-time at the minimum wage,⁹ and family day care provided in a residence would comprise one-third of such a family's income.¹⁰

While there is some public funding available to help both parents and providers offset the cost of childcare, it is not sufficient to meet the need; only about one in seven infants and toddlers in families income-eligible for assistance actually receive a subsidy.¹¹ As a result, according to NYC Administration for Children's Services childcare data from February 2019, only seven percent of all infants and toddlers were in publicly-funded childcare, compared to an estimated 45 percent of three- and four-year-olds.¹²

Additionally, childcare centers are generally located in higher-income communities and do not have the capacity to accommodate a significant percentage of children.¹³ The Comptroller's 2019 Report estimated that childcare centers and family day care providers had capacity for only 22 percent of children under the age of two in the city.¹⁴ Nearly half of all of NYC's community districts meet the definition of an infant care desert, with a ratio of childcare capacity to children of less than 20 percent and, in the 10 neighborhoods with the least capacity, there were more than 10 times as many infants as there were available childcare spaces.¹⁵

Despite the City's efforts to meet the needs of NYC families, challenges remain for those in need of childcare, and the COVID-19 pandemic has further exposed and exacerbated that need.

Impact of COVID-19 on Childcare

On March 7, 2020, following the outbreak of the COVID-19 pandemic in the United States (U.S.), New York State Governor Andrew M. Cuomo issued a State disaster emergency.¹⁶ The following week, on March 12, Mayor Bill de Blasio issued an Emergency Executive Order directing agency heads to take appropriate actions,¹⁷ followed by a March 15th Mayoral announcement that DOE schools would be closing,¹⁸ and directive from Governor Cuomo for NYC to develop a childcare plan.¹⁹

⁶ NYC Comptroller Scott M. Stringer, "NYC Under 3: A Plan to Make Child Care Affordable for New York City Families," May 2019, accessed at <https://comptroller.nyc.gov/wp-content/uploads/documents/Child-Care-Report.pdf>.

⁷ *Id.*

⁸ *Id.*

⁹ See New York State Department of Labor, Minimum Wage (n.d.), available at <https://labor.ny.gov/workerprotection/laborstandards/workprot/minwage.shtm>.

¹⁰ *Supra* note 1.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ NYC Board of Health, *Order of the Board of Health of the City of New York for the Closure of Certain Child Care Programs and Family Shelter-Based Drop-Off Child Supervision Programs*, City of New York (Apr. 3, 2020), available at <https://www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-closure-of-child-care.pdf>.

¹⁷ *Id.* (directing all agency heads "to take all appropriate and necessary steps to preserve public safety and to render all required and available assistance to protect the security, well-being and health of [New Yorkers]")

¹⁸ Office of the Mayor press release, "New York City to Close All School Buildings and Transition to Remote Learning" (Mar. 15, 2020) available at <https://www1.nyc.gov/office-of-the-mayor/news/151-20/new-york-city-close-all-school-buildings-transition-remote-learning>.

¹⁹ Office of the Governor press release, "Governor Cuomo Announces All New York City, Westchester, Suffolk and Nassau Public Schools Will Close This Week to Limit Spread of COVID-19" (Mar. 15, 2020), available at <https://www.governor.ny.gov/news/governor-cuomo-announces-all-new-york-city-westchester-suffolk-and-nassau-public-schools-will> (directing the City "[to] develop a plan within the next 24 hours to ensure children who rely on school breakfast and lunch programs will continue to receive that support, and parents—especially critical healthcare workers and first responders—will be provided access to childcare as needed.")

By the time DOE schools closed on March 16th, many childcare centers had shut down as demand waned, as they could no longer sustain themselves on already thin margin lines.²⁰ While the State offered waivers to local services districts that wanted to expand childcare services to families affected by the coronavirus, care providers were also required to implement costly cleaning, sanitizing and disinfecting routines to ensure the health and safety of staff and children.²¹ At a time when little was known about COVID-19 and its transmission, many families chose, or otherwise had to keep their children from attending childcare, resulting in the loss of business for those providers.²² Data from the National Association for the Education of Young Children and Early Care & Education Consortium suggests that programs nationally lost nearly 70 percent of their daily attendance in one week alone during the pandemic.²³ Eventually, the State required the temporary closure of childcare centers, which hit low-income childcare workers hard and led to the permanent closure of many childcare businesses.²⁴ Nationally, according to the U.S. Bureau of Labor Statistics, COVID-19 cost the childcare industry more than 335,000 jobs in March and April alone, about a third of the pre-pandemic total.²⁵

The COVID-19 pandemic has highlighted inequities in healthcare, as the disease has killed Black and Latinx New Yorkers at a much higher rate than white New Yorkers.²⁶ Not only did the pandemic lay bare the profound health care disparities that have been long known in the city, but it widened other socioeconomic inequities for these same groups. In NYC, according to the 2017 American Community Survey, among employed women childcare providers, 42 percent are Latina; 32 percent are Black, non-Latinx; 14 percent are white, non-Latinx; and nine percent are Asian, non-Latinx.²⁷ Moreover, 93 percent of employed childcare providers in the city are women, and 25 percent live in poverty while 53 percent have incomes low enough to qualify for a childcare subsidy.²⁸ Clearly, in addition to families, the pandemic has had a harmful impact on childcare providers and employees, particularly affecting low-income workers and communities.

School Reopening Timeline

Beyond the impact on providers and staff, constant changes in the timeline for school reopening, as well as intermittent school closures, added tremendously to the uncertainty and disruption for families. On July 8th, Mayor de Blasio and DOE Chancellor Richard Carranza unveiled “Blended Learning,” their school reopening plan featuring a combination of in-school instruction and remote learning for students.²⁹ In August, the Mayor set a school reopening date of September 10th, which was shortly thereafter postponed to September 21st, and then again delayed to September 29th for elementary schools and October 1st for middle and high schools.³⁰ While DOE schools were once again shut down on November 19th, after the citywide COVID-19 infection rate exceeded three percent over a seven-day rolling average,³¹ the Mayor abandoned the three percent COVID-19

²⁰ Kendra Hurley, “The Last Daycares Standing” Bloomberg CityLab (Mar. 28, 2020), available at <https://www.bloomberg.com/news/articles/2020-03-28/will-daycares-survive-the-covid-19-outbreak>.

²¹ New York State Office of Children and Family Services, Coronavirus Information (COVID-19): News and Updates (March 16-October 19, 2020), available at <https://ocfs.ny.gov/main/news/COVID-19/>.

²² Dana Goldstein and Julie Bosman, “As Day Care Centers Reopen, Will Parents Send Their Children?” NY Times (May 29, 2020), available at <https://www.nytimes.com/2020/05/29/us/coronavirus-child-care-centers.html>.

²³ *Id.*

²⁴ New York State Office of Children and Family Services, Coronavirus Information (COVID-19): News and Updates (March 16-October 19, 2020), available at <https://ocfs.ny.gov/main/news/COVID-19/>.

²⁵ U.S. Bureau of Labor Statistics, *Table B-1. Employees on nonfarm payrolls by industry sector and selected industry detail*, U.S. Department of Labor (n.d.), available at <https://www.bls.gov/news.release/empsit.t17.htm>.

²⁶ Beckie Strum, “Blacks, Latinos in NYC disproportionately fall victim to coronavirus” CityWatch, MarketWatch (Apr. 9, 2020), available at <https://www.marketwatch.com/story/blacks-latinos-in-nyc-disproportionately-fall-victim-to-coronavirus-2020-04-08>.

²⁷ *Id.*, Comptroller’s Office analysis of U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, using IPUMS USA, University of Minnesota, available at www.ipums.org.

²⁸ *Id.*

²⁹ NYC Department of Education, Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

³⁰ Emma G. Fitzsimmons, Jeffery C. Mays and Eliza Shapiro, “How N.Y.C.’s Mayor Ignored Warnings and Mishandled Reopening Schools” NY Times (Sept. 18, 2020), available at <https://www.nytimes.com/2020/09/18/nyregion/schools-reopen-delay-nyc.html>.

³¹ Eliza Shapiro, “New York City to Close Public Schools Again as Virus Cases Rise,” NY Times (Nov. 18, 2020), available at <https://www.nytimes.com/2020/11/18/nyregion/nyc-schools-covid.html> (explaining that, as a result of this decision, more than 300,000 students who had been attending in-person classes transitioned to remote learning)

infection rate threshold less than three weeks later.³² The uncertainty and instability caused by these changing plans, coupled with the adjustment to the hybrid model, have left many NYC-parents feeling uneasy, if not unprepared to identify reliable childcare on such short timeframes.³³ As of the writing of this Committee Report, the Administration has not provided a timeframe for when middle and high schools will resume in-person learning.³⁴ However, school buildings reopened for students in 3-K and Pre-K programs on December 7th, and those who opted for in-person learning in grades K–5.³⁵ School buildings reopened on December 10th for District 75 schools.³⁶ While an additional concern for parents has been that only students who had originally signed-up for in-person learning would be permitted to participate in the City’s latest reopening plans,³⁷ the back-and-forth of closing and reopening school buildings, the short notice for plan changes and the limited options for in-person learning have left parents and caregivers repeatedly scrambling for childcare options after the City’s plan for free childcare through Learning Bridges was delayed.³⁸

III. Regional Enrichment Centers

One early plan that provided promise families to have access to childcare early on was the “Regional Enrichment Center” (REC) model.³⁹ On March 23rd, in order to meet the Governor’s mandate and ensure that essential frontline workers, including medical personnel, transit workers and other key personnel, could continue to report to work,⁴⁰ the DOE created childcare for essential workers.⁴¹ The DOE ran more than 90 REC sites in DOE buildings, DOE pre-K centers and community-based programs across the five boroughs.⁴² RECs were staffed by “DOE employees and community-based organization partners, and provided children with three daily hot meals, remote learning time with their teachers, and activities like art, music, and physical education, and social and emotional support.”⁴³ Hours of operation for RECs were 7:30 a.m. to 6:00 p.m.⁴⁴

³² Christianna Silva, “New York City Schools Will Reopen With New COVID-19 Testing Protocol,” November 29, 2020, NPR, accessed at: <https://www.npr.org/sections/coronavirus-live-updates/2020/11/29/939902582/new-york-city-schools-will-reopen-with-new-covid-19-testing-protocol>.

³³ See, e.g., *Id.*; Sophia Chang, *Parents Who Work In NYC Schools Still Wondering What To Do With Their Own Kids* (Aug. 11, 2020), available at <https://gothamist.com/news/parents-who-work-nyc-schools-still-wondering-what-do-their-own-kids>.

³⁴ Office of the Mayor press release, “Mayor de Blasio and Chancellor Carranza Announce Plan to Return to In-Person Learning in New York City Schools” (Nov. 29, 2020), available at <https://www1.nyc.gov/office-of-the-mayor/news/817-20/mayor-de-blasio-chancellor-carranza-plan-return-in-person-learning-new-york>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Eliza Shapiro, “New York City Will Reopen Elementary Schools and Reduce Hybrid Learning” NY Times (Nov. 29, 2020), available at <https://www.nytimes.com/2020/11/29/nyregion/schools-reopening-partially.html> (explaining that out of approximately 335,000 students who chose in-person learning, roughly 190,000 are eligible to participate in this new reopening plan for elementary and District 75 schools)

³⁸ *Id.*

³⁹ See, e.g., Liam Stack and Nate Schweber, *Parents Work the Front Lines. Where do Their Children Go All Day?* (Mar. 28, 2020), available at <https://www.nytimes.com/2020/03/28/nyregion/nyc-enrichment-centers-schools.html>. Note, however, that RECs were not without some criticism. At the September 3 Committee on Education hearing, education advocates criticized the DOE for not allowing students in temporary housing to attend RECs unless their parents fell into one of its employee categories. Testimony called for the prioritization of students “whose academic and developmental progress is most dependent on the social environment and consistency of in-person education,” which, in addition to early and elementary school students, students with Individualized Education Programs and multilingual learners, includes students in temporary housing, such homeless shelters, hotels, transitional housing, shared housing, domestic violence shelters and other home situations, many of which lack internet access, and do not provide an environment conducive for academic enrichment and learning. See NYC Council, Res 1410-2020 Version A, Committee on Education (Sept. 3, 2020), available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4624915&GUID=A250ED3A-2F72-458E-B525-18C9B94CD96D&Options=&Search=>.

⁴⁰ NYC June 2020 Adopted Budget. available at <https://www1.nyc.gov/site/omb/publications/finplan06-20.page> (Since opening on March 23, the list of eligible professions whose children could enroll in RECs expanded multiple times and eventually numbered more than 30 categories, including ferry workers, grocery store workers, pharmacy workers, utility workers and employees of many City agencies like corrections, fire, health, homeless services, parks, police and health).

⁴¹ NYC Department of Education, “Regional Enrichment Centers” (n.d.), available at <https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers>.

⁴² *Id.*; Sophia Chang and Jessica Gould, ““There Are No Kids Here”: Some Enrichment Centers For Children Of Essential Personnel See Light Attendance On Day One,” *The Gothamist*. March 23, 2020. Accessed at: <https://gothamist.com/news/rec-enrichment-centers-doe-education-coronavirus>.

⁴³ New York City Department of Education, “Regional Enrichment Centers.” Accessed at: <https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers>.

Further, the Fiscal 2021 Adopted Budget recognized \$136 million in federal Coronavirus Aid, Relief, and Economic Security (CARES) Act revenue for Fiscal 2020 to support the full expense of the RECs, including \$120 million funded personnel salaries, \$12 million funded early childhood education contract extensions with community based providers and the remainder of the \$136 million covering expenses such as cleaning supplies and personal protective equipment (PPE) costs.⁴⁵

To keep RECs safe, the DOE instituted guidelines which imposed social distancing protocols, including maintaining six feet of distance between people and limiting classrooms were to be limited to fewer than nine students.⁴⁶ Additionally, DOE nurses were required to check the temperature of any person entering a REC, anyone who felt sick was to be directed to stay home and sites were regularly cleaned and disinfected.⁴⁷

The City permanently closed RECs on September 11, 2020, in order to prepare for schools reopening on September 21st.⁴⁸ In anticipation of continued childcare needs upon the resumption of in-person learning (which would end earlier than the 6:00 pm closing of the RECs), the de Blasio Administration moved forward with a plan to provide free childcare for 100,000 children for students in blended learning on days they were not in school.⁴⁹

IV. Learning Bridges

On September 21st, the DOE and NYC Department of Youth and Community Development (DYCD) launched the “Learning Bridges” program, to provide free childcare options for students in 3-K through eighth grade in the blended learning model on days when they are scheduled for remote learning.⁵⁰ Learning Bridges provides care for three- and four-year-olds through an expansion of its early-childhood education portfolio, while DYCD serves K through 8th grade students in “Learning Labs.”⁵¹ Like RECs, Learning Bridges provide opportunities for children to engage in remote learning activities and art, recreation, and other age-appropriate activities.⁵² Priority for the program is given to:

- Families in temporary housing, including shelters and hotels;
- Children of DOE school and program staff, including Learning Bridges staff and other contracted early childhood providers;
- Families residing in NYC Housing Authority (NYCHA) developments;
- Children in family foster care or receiving other child welfare services;
- Students with disabilities; and
- Children whose parent/guardian is an essential worker or was previously enrolled in a REC.⁵³

In addition to these categories, priority for enrollment is given to students living in the 27 neighborhoods most disproportionately impacted by the COVID-19 virus.⁵⁴

⁴⁴ Jessica Gould, “DOE “Enrichment Centers” Open As City Scrambles To Care For Kids Of Emergency Workers,” *The Gothamist* (Mar. 23, 2020), available at <https://gothamist.com/news/doe-enrichment-centers-open-city-scrambles-care-kids-emergency-workers>.

⁴⁵ NYC June 2020 Adopted Budget. available at <https://www1.nyc.gov/site/omb/publications/finplan06-20.page>

⁴⁶ New York City Department of Education, “Regional Enrichment Centers.” Accessed at: <https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ City of New York, “Mayor de Blasio Announces Free Childcare for 100,000 Students in the Fall” Office of the Mayor (Jul. 16, 2020), available at <https://www1.nyc.gov/office-of-the-mayor/news/525-20/mayor-de-blasio-free-childcare-100-000-students-the-fall>; see also Ryan W. Miller “New York City Says Child Care Will Be Available for 100K Children in the Fall as Schools Partially Reopen” USA TODAY (Jul. 16, 2020), available at <https://www.usatoday.com/story/news/nation/2020/07/16/new-york-bill-de-blasio-announces-child-care-covid-19/5450628002/>.

⁵⁰ NYC Department of Education, “Learning Bridges” (n.d.), available at <https://www.schools.nyc.gov/enrollment/enrollment-help/learning-bridges>.

⁵¹ Sophia Chang, “New York City Plans To Offer 100,000 ‘Learning Lab’ Childcare Spots For Working Families This Fall” *Gothamist* (Jul. 16, 2020), available at <https://www.gothamist.com/news/new-york-city-plans-offer-100000-learning-lab-childcare-spots-working-families-fall> (explaining that Learning Labs is offered by DYCD through partnerships with community-based and cultural organizations, such as libraries, museums and community centers, and provides supervision and programmatic activities on remote-instruction days).

⁵² New York City Department of Education, “Learning Bridges,” accessed at <https://www.schools.nyc.gov/enrollment/enrollment-help/learning-bridges>.

⁵³ *Id.*

| Learning Bridges Priority Communities | | |
|--|---------------------------|--|
| Borough | Community District | Community Name |
| Bronx | 1 | Mott Haven and Melrose |
| | 2 | Longwood and Hunts Point |
| | 3 | Morrisania and Crotona |
| | 4 | Highbridge |
| | 5 | Morris Heights |
| | 6 | East Tremont |
| | 8 | Van Cortland Park and Jerome Park |
| | 9 | Soundview and Soundview Bruckner |
| Brooklyn | 3 | Bed-Stuy |
| | 4 | Bushwick |
| | 5 | East New York and Starrett City |
| | 7 | Sunset Park |
| | 13 | Brighton Beach |
| | 16 | Brownsville |
| | 17 | East Flatbush |
| | 18 | Canarsie |
| Manhattan | 3 | LES & Chinatown |
| | 9 | Hamilton Heights & Morningside Heights |
| | 10 | Central Harlem |
| | 11 | East Harlem |
| | 12 | Washington Heights & Inwood |

⁵⁴ DOE and DYCD- City Council Learning Bridges Briefing September 8, 2020

| | | |
|----------------------|----|---------------------------|
| Queens | 1 | Queensbridge |
| | 4 | Corona |
| | 8 | Briarwood |
| | 12 | Jamaica |
| | 14 | Rockaway and Far Rockaway |
| Staten Island | 1 | Stapleton – St. George |

Table 1. Neighborhood location of DOE Learning Bridges programs.

(Source: NYC Department of Education, “Learning Bridges,” available at <https://www.schools.nyc.gov/enrollment/enrollment-help/learning-bridges>.)

Learning Bridges programs operate from 8:00 a.m. until 3:00 p.m., five days a week and participating children are provided with breakfast, lunch and a snack.⁵⁵ To enroll a child, a parent or a guardian has to fill out an application on the DOE website and then await an offer letter with the assigned program site and details.⁵⁶ At program sites, which are supposed to be within proximity to the child’s school, children are sorted into small groups with children from the same school on the same schedule.⁵⁷ Program staff and participants are also required to wear masks and to undergo daily health screenings, with nurses available for in-person visits and telehealth appointments.⁵⁸ Additional health and safety measures implemented at program sites include frequent hand washing as well as cleaning and disinfecting.⁵⁹

In September 2020, the Administration announced that it planned on enrolling 100,000 students to the Learning Bridges program on a rolling basis, with a goal of filling 30,000 slots by September; 70,000 slots by the end of October; and finally 100,000 slots by December 2020.⁶⁰ As of December 2020, DOE reports a capacity of 45,000 slots for 3-K to 8th grade, of which 39,000 slots have been offered to families.⁶¹ Current enrollment for the program is unclear. Additionally, as of November 5, 2020, there were 216 Learning Labs sites serving children in grades K through eight across the five boroughs: 47 in the Bronx, 59 in Brooklyn, 57 in Manhattan, 38 in Queens and 15 in Staten Island.⁶²

The November 2020 Financial Plan adds \$44.9 million to DOE’s Fiscal 2021 budget for the early childhood education portion of Learning Bridges.⁶³ This funding supports the expansion of existing 3-K and pre-K general and special education contracts to support Learning Bridges childcare (\$40.6 million), center leases (\$2.4 million), and costs associated with center provided meals, facility maintenance and cleaning, and central administrative expenses (\$1.9 million). DOE expressed to the Council that \$44.9 million covers the entirety of the early childhood education portion, however it is expected that the cost associated with the program will rise.⁶⁴ This funding is only added for one year, and as the need for childcare during the pandemic continues to increase, it is likely additional funding will need to be added in the Fiscal 2022 Preliminary

⁵⁵ NYC Department of Education, “Learning Bridges Summary” (Sept. 2020), available at https://www1.nyc.gov/assets/queenscb2/downloads/pdf/notices/2020/nyc_department_of_education_learning_bridges_summary.pdf.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ DOE and DYCD- City Council Learning Bridges Briefing September 8, 2020

⁶¹ City Council Finance and DOE Finance November Plan Briefing, December 1, 2020.

⁶² New York City Department of Education, “Learning Bridges,” accessed at <https://www.schools.nyc.gov/enrollment/enrollment-help/learning-bridges>.

⁶³ November 2020 Financial Plan. Accessed at <https://www1.nyc.gov/site/omb/publications/finplan11-20.page>

⁶⁴ *Id.*

Financial Plan. Additionally, the Financial Plan reflects \$45.9 million in CARES Act revenue for DYCD's portion of the Learning Bridges program (K-8).⁶⁵

V. After-School Programs

One potential resource available to parents seeking reliable care and educational opportunities for their children is the City's after-school programs, which are operating during COVID-19, although some programs are limiting services or offering them remotely.⁶⁶ The City's numerous City-funded after-school programs, provided through DYCD, for students in grades K-12 throughout the city,⁶⁷ including but not limited to the Comprehensive After School System of NYC (COMPASS NYC), School's Out New York City (SONYC), Beacon programs and Cornerstone Programs.⁶⁸

COMPASS NYC serves students in grades K-12 and consists of more than 900 programs operated by a network of providers offering academics, recreation, enrichment and cultural activities.⁶⁹ COMPASS programs are free, and located in public and private schools, community centers, religious institutions, public housing, and recreational facilities throughout the five boroughs.⁷⁰

SONYC is COMPASS NYC's middle school model for 6th, 7th and 8th graders.⁷¹ Programming is offered three hours a day, five days a week and are structured like clubs, offering young people a choice in how they spend their time, featuring sports and arts, and require youth leadership through service.⁷² The COMPASS NYC portfolio of programs, including SONYC, are funded under the program area of Out of School Time or "OST." In Fiscal 2021, \$334.9 million was allocated towards all OST after-school program areas, with a budgeted number of slots totaling 102,821 participants across programs.⁷³

Beacon programs are school-based community centers serving school-age children, youth, and adults.⁷⁴ There are currently 91 Beacons located in public schools across NYC operating year-round in the afternoons and evenings, as well as on weekends, and during school holidays and vacation periods, including summer.⁷⁵ The Beacon program includes \$69.4 million in Fiscal 2021, with a budgeted number of slots totaling 100,450 participants across all ages served.⁷⁶

Cornerstone programs provide year-round programs for young people and adults and are located at 94 NYCHA Community Centers throughout the city.⁷⁷ Programs are operated in partnership with NYCHA and a network of nonprofit providers, and typically include academic supports; high school and college prep; project-based activities; STEM; creative and performance arts; and other activities.⁷⁸ The Cornerstone program includes \$69.4 million in Fiscal 2021, with a budgeted number of approximately 75,000 slots across all ages served.⁷⁹

⁶⁵ *Id.*

⁶⁶ DYCD, "After-school programs for students," accessed 12/14/20 at <https://growingupnyc.cityofnewyork.us/programs/compass/#section-application>.

⁶⁷ NYC Department of Education, "After-School," accessed 12/1/20 at <https://www.schools.nyc.gov/school-life/school-environment/after-school>.

⁶⁸ NYC Department of Youth and Community Development, "After School," accessed 12/1/20 at <https://www1.nyc.gov/site/dycd/services/after-school.page>.

⁶⁹ NYC Department of Youth and Community Development, "Comprehensive After School System of New York City (COMPASS)," accessed 12/1/20 at <https://www1.nyc.gov/site/dycd/services/after-school/comprehensive-after-school-system-of-new-york-city-compass.page>.

⁷⁰ *Id.*

⁷¹ NYC Department of Youth and Community Development, "School's Out New York City (SONYC)," accessed 12/1/20 at <https://www1.nyc.gov/site/dycd/services/after-school/schools-out-new-york-city-sonyc.page>.

⁷² *Id.*

⁷³ Data provided to Council Finance from OMB and DYCD via email on November 17, 2020.

⁷⁴ NYC Department of Youth and Community Development, "Beacon Programs," accessed 12/1/20 at <https://www1.nyc.gov/site/dycd/services/after-school/beacon.page>.

⁷⁵ *Id.*

⁷⁶ Data provided to Council Finance from OMB and DYCD via email on November 17, 2020.

⁷⁷ NYC Department of Youth and Community Development, "Cornerstone Programs," accessed 12/1/20 at <https://www1.nyc.gov/site/dycd/services/after-school/cornerstone.page>.

⁷⁸ NYC Department of Youth and Community Development, "Cornerstone Youth Programs," accessed 12/1/20 at <https://www1.nyc.gov/site/dycd/services/after-school/cornerstone-youth-programs.page>.

⁷⁹ Data provided to Council Finance from OMB and DYCD via email on November 17, 2020.

While DYCD acknowledges that some programs are limiting services or offering them remotely due to the pandemic,⁸⁰ it is unclear how much COVID-19 protocols and guidance has impacted the activities of and number of students served by these after-school programs.

VI. EARLY CHILDCARE

Ongoing access to childcare for children from birth to five is a major concern during the pandemic, especially in light of a pre-pandemic shortage of seats and reduction in early childcare capacity over the past decade.⁸¹ NYC has the largest municipal childcare system in the country, which was administered by the NYC Administration for Children’s Services (ACS) until 2018, when most of the system transitioned to DOE management.⁸² Subsidized childcare in NYC for income-eligible families includes informal care provided in the home of an unlicensed provider (usually a family member or friend); family (three to eight children) or group family day care (seven to sixteen children), provided in the home of a licensed caregiver; and center-based day care in a licensed facility, including Head Start centers.⁸³ Subsidy payments are made either directly to providers under contract or through vouchers, with informal care provided solely through vouchers, while family and center-based care are paid by a mix of contracts and vouchers.⁸⁴ While some subsidies are available for school-aged children in after-school programs, the remainder of this section will focus on early childcare for children from six weeks to four years old.

Despite NYC having the largest municipal childcare system, there has been a reduction in subsidized childcare enrollment over the past decade for a number of reasons, including City and federal funding cuts, with the largest capacity loss occurring since 2012.⁸⁵

In 2012, ACS began implementation of EarlyLearn NYC, which blended all contracted childcare and Head Start programs into one system to improve quality of care while expanding services to communities with the greatest need.⁸⁶ EarlyLearn NYC was designed to emphasize quality over quantity and included changes in the way that contractors were funded, with higher spending per slot but a decreased number of slots, resulting in a loss of subsidized childcare capacity.⁸⁷ A number of changes that occurred under EarlyLearn NYC implementation, such as the way that contractors were funded, created challenges for providers that also led to reduced capacity.⁸⁸ Previously, contracted childcare providers were paid based on program capacity and costs, but with the initial EarlyLearn NYC RFP, providers were paid a daily rate based on the number of children actually enrolled, leaving some providers struggling to run their programs if not fully enrolled.⁸⁹ In addition, the new contracts required the providers themselves to contribute at least 6.7 percent of total annual operating costs and failed to cover health insurance, workers compensation, and unemployment insurance for childcare employees, leaving it to the providers to deliver these benefits.⁹⁰

⁸⁰ DYCD, “After-school programs for students,” accessed 12/14/20 at <https://growingupnyc.cityofnewyork.us/programs/compass/#section-application>.

⁸¹ NYC Independent Budget Office, Fiscal Brief, “A System in Flux: New Programs, Administrative Changes Create Challenges for New York City’s Traditional Subsidized Child Care Programs” (Jun. 2017), available at <http://www.ibo.nyc.ny.us/iboreports/a-system-in-flux-new-programs-administrative-changes-create-challenges-for-new-york-citys-traditional-subsidized-child-care-programs.html>.

⁸² NYC Independent Budget Office, Fiscal Brief, “A System in Flux: New Programs, Administrative Changes Create Challenges for New York City’s Traditional Subsidized Child Care Programs” (Jun. 2017), available at <http://www.ibo.nyc.ny.us/iboreports/a-system-in-flux-new-programs-administrative-changes-create-challenges-for-new-york-citys-traditional-subsidized-child-care-programs.html>; see also NYC Council Committee Report of the Committees on Education and General Welfare, “Oversight: Implementation of UPK and 3K Expansion and the Transition of EarlyLearn NYC to DOE” (Jun. 27, 2018), available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3503433&GUID=151D7841-897B-4B01-A313-53940E87D9B8&Options=Advanced&Search=>.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.* For more detailed discussion, see also NYC Council Committee Report of the Committees on Education and General Welfare, “Oversight: Implementation of UPK and 3K Expansion and the Transition of EarlyLearn NYC to DOE,” June 27, 2018, accessed at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3503433&GUID=151D7841-897B-4B01-A313-53940E87D9B8&Options=Advanced&Search=>.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

Starting in September 2014, Mayor de Blasio launched Pre-K for All, which significantly expanded the Universal Prekindergarten (UPK) program. In doing so, enrollment in prekindergarten increased by 28.9 percent from 55,734 in October 2013 to 71,845 in October 2015.⁹¹ According to DOE's report on enrollment for the 2018-2019 school year, the enrollment for pre-K was 69,409.⁹² The widespread availability of full-day prekindergarten programs provided an alternative to childcare vouchers for many families with four year olds, thereby reducing some demand for subsidized childcare slots.⁹³ DOE's budget for Universal Pre-K in Fiscal 2021 is currently \$864 million, growing to \$882.8 million in Fiscal 2022.⁹⁴ This excludes the costs associated with 3-K, which is referenced in the following section.

In April 2017, Mayor de Blasio announced the "3-K for All" program "to provide universal, free, full-day, high-quality early childhood education for every three-year-old child regardless of family income."⁹⁵ DOE offers 3-K programs free to parents in the following four setting: NYCEEC's; DOE District Schools; pre-K Centers; and Family Childcare or home-based programs.⁹⁶ Similar to UPK expansion, availability of 3-K for All programs provided an alternative to childcare vouchers for many families with 3-year olds, further reducing demand for subsidized childcare slots.⁹⁷

While subsidized childcare slots for three- and four-year olds have decreased, demand for children ages zero to two has increased.⁹⁸ Additionally, as part of the original 3-K expansion announced in 2017, the Fiscal 2018 Executive Budget identified a new need of \$349.3 million for Fiscal 2018 and in the out years.⁹⁹ Of this \$349.3 million new need, \$156.7 million was added to the Fiscal 2021 Budget.¹⁰⁰ In February 2020, DOE and the Administration announced an accelerated 3-K expansion and added District 12 and District 29 to the 2020-2021 roll out, which already included expansion to District 1 and District 14, however this was halted as a result of the COVID-19 Pandemic.¹⁰¹ The Fiscal 2021 Executive Financial Plan identified \$43.8 million in savings related to the delay in the expansion of 3-K.¹⁰² Of the total savings \$9 million is associated with District 12 and \$12 million is associated with District 29. The remaining savings are associated with Districts 1 and 14.¹⁰³ The cost of expanding to a new district varies based on the enrollment and capacity within that District. DOE's Fiscal 2021 budget for 3-K is currently \$238.4 million, growing to \$242.5 million in Fiscal 2022.¹⁰⁴

VII. ISSUES AND CONCERNS

Overall, the Committees are interested in learning whether the Administration is providing a sufficient number of childcare slots and coverage time to serve the needs of families throughout the city, especially those who must work outside the home. The plan to provide free childcare options for 100,000 children this fall for those in 3-K through 8th grade has not come to fruition; as of October 18th, four weeks after schools had

⁹¹ *Id.*

⁹² NYC Department of Education Report on Enrollment School Year 2018-2019, *available at* <https://infohub.nyced.org/reports/government-reports/student-applications-admissions-and-offers>.

⁹³ New York City Independent Budget Office, Fiscal Brief, "A System in Flux: New Programs, Administrative Changes Create Challenges for New York City's Traditional Subsidized Child Care Programs," June 2017, accessed at <http://www.ibo.nyc.ny.us/iboreports/a-system-in-flux-new-programs-administrative-changes-create-challenges-for-new-york-citys-traditional-subsidized-child-care-programs.html>. For more detailed discussion, *see also* NYC Council, Committee Report of the Committees on Education and General Welfare, "Oversight: Implementation of UPK and 3K Expansion and the Transition of EarlyLearn NYC to DOE" (Jun. 27, 2018), *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3503433&GUID=151D7841-897B-4B01-A313-53940E87D9B8&Options=Advanced&Search=>.

⁹⁴ November 2020 Financial Plan. Accessed at <https://www1.nyc.gov/site/omb/publications/finplan11-20.page>

⁹⁵ Office of the Mayor press release, "Mayor de Blasio Announces 3-K for All" (Apr. 24, 2017), *available at* <http://www1.nyc.gov/office-of-the-mayor/news/258-17/mayor-de-blasio-3-k-all/#/0>.

⁹⁶ NYC Department of Education, 3-K, <https://www.schools.nyc.gov/enrollment/enroll-grade-by-grade/3k>.

⁹⁷ Kendra Hurlley & Angela Butel, "By the Numbers: Five Trends Re-shaping New York's Changing World of Child Care," The New School, Center for New York City Affairs (Jun. 2018), *available at* <http://www.centernyc.org/by-the-numbers.>

⁹⁸ *Id.*

⁹⁹ City Council Finance Report on the Fiscal 2021 Executive Budget for the Department of Education, *available at* <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/05/Department-of-Education.pdf>.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ November 2020 Financial Plan. Accessed at <https://www1.nyc.gov/site/omb/publications/finplan11-20.page>.

reopened, only 18,564 students were being served in Learning Bridges locations, while thousands remained on waiting lists.¹⁰⁵ In October, a DYCD spokesperson stated that they would “continue adding seats on a rolling basis throughout the fall, eventually reaching 100,000 slots by December.”¹⁰⁶ Critics contended that even the original number of 100,000 slots was inadequate to serve the needs of a school system with 1.1 million students.¹⁰⁷

Further, the original Learning Bridges announcement lacked clarity and initial media reports implied that the program would also cover after school hours.¹⁰⁸ In fact, unlike RECs which were open from 7:30 am to 6:00 pm,¹⁰⁹ Learning Bridges programs operate only from 8:00 am until 3:00 pm, with no after school coverage.¹¹⁰ The lack of extended day coverage is problematic for most working parents, especially teachers and other school staff who must often start their work day before 8:00 am, and whose work site may be far from their child’s Learning Bridges site.¹¹¹ Additionally, while DYCD will continue to operate many of their existing after school programs, most are located in school buildings and a DYCD representative indicated in a call with elected officials that those sites cannot accommodate Learning Bridges students, as they only have room for the students attending school on a given day due to social distancing protocols.¹¹²

Further, DOE states that students with disabilities are among priority groups to receive seats in Learning Bridges programs,¹¹³ but advocates say there are too few seats to meet the needs of this vulnerable student population for whom remote learning provides significant challenges.¹¹⁴ Advocates also contend that some Learning Bridges programs are illegally turning away students with serious challenges, such as autism.¹¹⁵

In addition, as previously noted, there have been numerous changes in school reopening dates and start and stop of in-person learning whenever schools were closed—because they were in a zone of high COVID-19 incidence, or when cases of the virus are discovered in specific schools, or when the Mayor closed all public schools citywide on November 19th.¹¹⁶ Subsequently, Mayor de Blasio reopened 3-K, pre-K and elementary grades K-5 on December 7th, followed by District 75 programs on December 10th, but offered no reopening plans for students in grades 6 and higher.¹¹⁷ All of these changes prevent parents/guardians from confidently balance their own schedules with the ever-changing ones of their children.¹¹⁸ Parents/guardians have also objected to changes in the way families could enroll their children in in-person learning; while originally promised an opportunity to opt-in to blended learning each quarter, there was only one additional opportunity to enroll for the rest of the school year, which ended in mid-November.¹¹⁹ Since Learning Bridges programs are only available to students enrolled in blended learning, families that did not opt-in by mid-November are also closed out of Learning Bridges programs for the remainder of the school year.

¹⁰⁵ Reuven Blau, “Tens of Thousands of Child Care Slots De Blasio Promised to Working Parents Still Missing” *The City* (Oct. 18, 2020) available at <https://www.thecity.nyc/2020/10/18/21522525/new-york-city-childcare-slots-de-blasio-promised-parents>.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Chang, Sophia, “New York City Plans To Offer 100,000 ‘Learning Lab’ Childcare Spots For Working Families This Fall,” *Gothamist*, July 16, 2020, accessed at <https://www.gothamist.com/news/new-york-city-plans-offer-100000-learning-lab-childcare-spots-working-families-fall>.

¹⁰⁹ Jessica Gould, “DOE ‘Enrichment Centers’ Open As City Scrambles To Care For Kids Of Emergency Workers,” *The Gothamist*, March 23, 2020, accessed at <https://gothamist.com/news/doe-enrichment-centers-open-city-scrambles-care-kids-emergency-workers>.

¹¹⁰ New York City Department of Education, “Learning Bridges Summary,” September 2020, accessed at https://www1.nyc.gov/assets/queenscb2/downloads/pdf/notices/2020/nyc_department_of_education_learning_bridges_summary.pdf.

¹¹¹ Christina Veiga, “NYC children are back in schools. But working parents, including teachers, are still struggling with child care” *Chalkbeat New York* (Oct. 6, 2020), available at <https://ny.chalkbeat.org/2020/10/6/21505028/nyc-schools-child-care>.

¹¹² September 9, 2020 call with elected officials, including Josh Wallack (DOE), Susan Haskell (DYCD) and Shanna Middleton (OMB).

¹¹³ New York City Department of Education, “Learning Bridges,” accessed 12/7/20 at <https://www.schools.nyc.gov/enrollment/enrollment-help/learning-bridges>.

¹¹⁴ Testimony of Advocates for Children before the New York City Council Committees on Education and Mental Health, Disabilities and Addiction on October 23, 2020, available at https://www.advocatesforchildren.org/sites/default/files/on_page/testimony_covid_swd_102320.pdf?pt=1.

¹¹⁵ *Id.*

¹¹⁶ Eliza Shapiro, “New York City to Close Public Schools Again as Virus Cases Rise,” November 18, 2020, *NY Times*, accessed at: <https://www.nytimes.com/2020/11/18/nyregion/nyc-schools-covid.html>.

¹¹⁷ Sophia Chang, “Parents Plead For Consistency As Some NYC Students Head Back To School. Again. For Now.” *The Gothamist* (Dec. 6, 2020), available at <https://gothamist.com/news/parents-plead-consistency-some-nyc-students-head-back-school-again-now>.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

There has also been a reduction in available early childhood seats across the city, due to COVID-19. At the outset of the pandemic, all preschools were forced to close, with some later allowed to reopen, but many independent preschools are worried that they will not survive.¹²⁰ According to a coalition of nine settlement house providers, DOE's recent Birth to Five/Early Head Start RFP, with funding set to begin July 1, 2021, will eliminate a large number of childcare slots, particularly extended day slots.¹²¹ Just among this coalition of nine providers, the provisional RFP awards will result in a loss of 39 percent of the 1,352 childcare slots serving low-income, working families they collectively had in Fiscal 2020.¹²² Worse, extended day slots for these providers may be cut dramatically. For these nine providers, 91 percent of Fiscal 2020's 1,352 slots were year-round extended day slots from 8:00 am to 6:00 pm, but only 41 percent (344) of the currently-awarded 831 slots are extended, full day slots, for a net loss of 888 slots which is a 72 percent reduction from last year's extended day total.¹²³ These cuts would also impact early childcare workers, who are primarily women/women of color whose annual average income is \$40,000, and would result in the loss of more than 125 jobs among these nine providers alone.¹²⁴ However, DOE maintains that these cuts stem from an effort to redirect funding to neighborhoods deemed to have higher needs and will not result in a loss of seats overall.¹²⁵ DOE has not yet released any data on the RFP awards as yet.

Finally, while the cost of childcare in NYC is comparatively high,¹²⁶ data show that the pandemic has exacerbated inequities and barriers for working mothers, who, as described above, disproportionately take on unpaid caregiving responsibilities when their family cannot find or afford childcare,¹²⁷ and those working in the childcare industry, which are largely women of color.¹²⁸

VIII. CONCLUSION

At today's hearing, the Committees on Women and Gender Equity and Education seek an overview of the City's childcare services and programming. This includes an examination of the programming implemented by the DOE during the height of the pandemic, as well as the City's plans to provide childcare as the rate of COVID-19 infections increase across the five boroughs. More specifically, the Committees are interested in learning how the City will build on successes and how the DOE will continue to serve children and their families. Lastly, the Council is specifically interested in how the City will target and serve low-income and families of color, and continue to support them throughout the pandemic and how the Council can best support these efforts.

UPDATE: On Wednesday, February 24, 2021, the Committee on Education passed Resolution Number 1473 by a vote of 15 in the affirmative, zero in the negative, with zero abstentions.

Accordingly, this Committee recommends its adoption.

¹²⁰ Christina Veiga, "Families will need child care to reopen NYC, but preschools fear they won't survive the coronavirus shutdown" Chalkbeat New York (May 21, 2020), available at <https://ny.chalkbeat.org/2020/5/21/21266712/childcare-nyc-coronavirus-reopen>.

¹²¹ "NEW YORK CITY DOE BIRTH TO FIVE RFP RESULTS: ANALYSIS OF NINE SETTLEMENTHOUSE PROVIDERS," presentation on file with Committee staff.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ Michel Gartland, "NYC kids will lose childcare slots under new city policy: local officials," NY Daily News, (Dec. 3, 2020), available at <http://www.nydailynews.com/news/politics/new-york-elections-government/ny-nyc-child-care-funds-20201203-aqx3spoqtvgtnchiwapwz54jze-story.html>.

¹²⁶ NYC Comptroller Scott M. Stringer, "NYC Under 3: A Plan to Make Child Care Affordable for New York City Families," May 2019, accessed at <https://comptroller.nyc.gov/wp-content/uploads/documents/Child-Care-Report.pdf>.

¹²⁷ See Amanda Taub, "Pandemic Will 'Take Our Women 10 Years Back' in the Workplace" NY Times (Sept. 26 2020), available at <https://www.nytimes.com/2020/09/26/world/covid-women-childcare-equality.html>.

¹²⁸ *Id.*; See Cristina Novoa, "How Child Care Disruptions Hurt Parents of Color Most" American Progress (Jun. 29, 2020), available at <https://www.americanprogress.org/issues/early-childhood/news/2020/06/29/486977/child-care-disruptions-hurt-parents-color/>; Elliot Haspel, "Why Are Child Care Programs Open When Schools Are Not?" NY Times (Aug. 24, 2020), available at <https://www.nytimes.com/2020/08/04/parenting/schools-day-care-children-divide.html>.

(The following is the text of Res. No. 1473:)

Res. No. 1473

Resolution calling upon the New York City Department of Education to provide families of children with disabilities the necessary training and equipment to properly enable distance learning.

By Council Members Louis, Treyger, Chin, Rosenthal, Rose, Lander, Kallos, Ayala, Ampry-Samuel, Barron, Grodenchik, Cornegy, Salamanca, Riley, Levin and Borelli.

Whereas, The Individuals with Disabilities Education Act (IDEA) guarantees a free appropriate public education to eligible children with disabilities in the U.S. and ensures special education and related services to those children; and

Whereas, As required by the IDEA, the New York City Department of Education (DOE) provides special education services to students with disabilities, defined as any child with an Individualized Education Program (IEP); and

Whereas, According to DOE, in the 2019-20 school year, there were approximately 231,000 students with disabilities, more than 20.4 percent of the total 1.1 million students enrolled in City public schools; and

Whereas, In response to the global COVID-19 pandemic, Mayor Bill de Blasio closed all New York City public schools effective Monday, March 16, in an effort to limit the spread of the virus; and

Whereas, On Monday, March 23, 2020 DOE transitioned to providing online instruction, commonly referred to as distance learning or remote learning, to all students at home, including students with disabilities; and

Whereas, Due to the pandemic and emergency closure of schools, there was very little preparation and training for teachers on how to switch to online instruction and no training provided for parents on how to assist their children with remote learning; and

Whereas, Numerous media reports recounted problems experienced by students with remote learning, including lack of engagement, as well as parents' frustration over the lack of preparation and support to enable them to assist their children; and

Whereas, According to parents and advocates, difficulties with the remote learning environment are even more severe for students with disabilities; and

Whereas, While DOE attempted to provide students with disabilities instruction and related services, such as speech and physical therapy, via video "teletherapy" sessions, many families reported that the online therapy provided little help and their children have significantly regressed since schools were closed, as reported in a June 17, 2020 *Chalkbeat* article and other press accounts; and

Whereas, The proposed school reopening plans for September 2020 recently announced by Mayor De Blasio and Chancellor Carranza will give families the option of selecting either a blend of in-school and remote learning for students, or continuing with remote learning only; and

Whereas, It is also widely recognized that distance learning will increasingly be used by schools across the country in future years, as described in an April 24, 2020 article from The Brookings Institution; and

Whereas, Families with children with disabilities face unprecedented challenges in light of the transition to distance learning, as reported in an April 18, 2020 article in *The Atlantic* entitled, "The Pandemic Is a Crisis for Students With Special Needs"; and

Whereas, According to *The Atlantic*, students with disabilities require properly trained educators and many also rely on assistive technology, such as screen-reader software to read text aloud, in order to learn successfully; and

Whereas, To ensure that remote learning is as effective as possible for students with disabilities, who require special instruction and services and are particularly vulnerable to learning loss and regression, it is imperative that their parents be well-prepared and receive all necessary support and materials to assist their children with remote learning; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to provide families of children with disabilities the necessary training and equipment to properly enable distance learning.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, STEPHEN L. LEVIN, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., JUSTIN L. BRANNAN, FARAH N. LOUIS, KEVIN C. RILEY, ERIC A. ULRICH, JOSEPH C. BORELLI; Committee on Education, February 24, 2021 (Remote Hearing).

Pursuant to Rule 8.50 of the Council, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing no objections, the Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 1543

Resolution calling on Congress to pass, and the President to sign, the Puerto Rico Self-Determination Act of 2020, H.R. 8113.

By Council Members Ayala, Rivera and Kallos.

Whereas, According to the United States Census Bureau’s 2017 American Community Survey, nearly one million New York City residents are of Puerto Rican descent; and

Whereas, Because Puerto Rico is an insular U.S. territory, and not a state, Puerto Ricans lack the right to have voting representation in Congress and to participate fully in federal elections; and

Whereas, The United Nations has recognized Puerto Rico as a self-governing political entity under General Assembly Resolution 748; and

Whereas, According to the Council on Foreign Relations, “Puerto Rico is a political paradox,” facing a multi-layered economic and social crisis that is rooted in its long-standing status as a U.S. territory and has been compounded by government mismanagement over the years; and

Whereas, According to the Harvard Political Review, recent economic and social issues stemming from repeated natural disasters, mishandled federal assistance, and rising debt have underscored the urgency of reevaluating Puerto Rico’s status as a territory, prompting discussion of a democratic referendum on the issue; and

Whereas, Article 1 of the International Covenant on Civil and Political Rights, to which the United States is a signatory and which it is required to recognize, establishes that all peoples have the right to self-determination and “by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”; and

Whereas, According to a press release by Congresswoman Ayanna Pressley on October 9, 2020, “Puerto Rico’s status as a U.S. territory has served as a roadblock to the Island’s progress, inflicting over a century of hurt and harm on the Island’s residents and depriving them of their fundamental right to determine their own future.”; and

Whereas, The bill known as the Puerto Rico Self-Determination Act of 2020, H.R. 8113, introduced in Congress by Representative Nydia M. Velázquez of New York, would recognize the right of the people of Puerto Rico to call a status convention through which they would exercise their right to self-determination; and

Whereas, In accordance with fundamental principles of human rights, Puerto Rico, rather than Congress, must determine its own future by having the authority provided under the Puerto Rico Self-Determination Act to support its enfranchisement and democratic self-governance; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, the Puerto Rico Self-Determination Act of 2020, H.R. 8113.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 2229

By Council Members Cornegy, Van Bramer, Gjonaj and Cumbo.

A Local Law to amend the New York city charter, in relation to establishing a commission to develop and implement a living treasures program

Be it enacted by the Council as follows:

Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2508 to read as follows:

§ 2508. *Living treasures program.* a. *There is hereby established a commission that shall develop and administer a program to recognize individuals and groups who preserve and promote underrepresented cultural traditions through their technical mastery of artistic, literary, musical or craft techniques of significant cultural value.*

b. *The commission shall consist of at least 10 members as follows:*

1. *The commissioner of cultural affairs, or the commissioner's designee;*
2. *The deputy commissioner of cultural affairs, or the deputy commissioner's designee;*
3. *At least five members, representing each of the five boroughs, appointed by the mayor, provided that all such members have a demonstrated involvement in the local arts and culture of their respective borough; and*
4. *Three members appointed by the commissioner of cultural affairs as follows:*

(a) *One representative of a cultural institution that is a member of the cultural institutions group; and*

(b) *Two members that are each representatives of a minority-led, community-based, organization whose principal purpose is the promotion or support of cultural activities.*

c. *Each borough president may appoint one member, who shall serve in an advisory capacity.*

d. *All appointments to the commission shall be made within 90 days of the effective date of the local law that added this section. Each member of the commission shall serve for a term of three years to commence after the final member of the commission is appointed. Any vacancy in the membership of the commission shall be filled within 90 days, in the same manner as the original appointment. If at the end of 90 days the vacancy remains unfilled, the remaining commission members shall appoint a new member within 30 days. A person filling such vacancy shall serve the unexpired portion of the term of the succeeded member.*

e. *All commission members shall serve without compensation.*

f. *The commission shall develop a process to consider and evaluate artists, writers, musicians, performers and artisans, residing in the city, who have achieved technical mastery of culturally significant performing, literary, or visual arts, including but not limited to instrumental and vocal music, dance, drama, folk art, creative writing, architecture, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, television, radio, film, video, tape and sound recording. The commission shall prioritize the recognition of performing, literary, or visual arts from historically underrepresented cultures.*

g. *Pursuant to the process established in subdivision f of this section, and subject to appropriation, the commission shall annually select up to 15 program participants to each serve for a term of three years. Program participants shall be designated "living treasures" and may include individuals or groups of two or more.*

h. *Program participants shall have the following responsibilities:*

1. *Showcasing their unique tradition through regular public performances, lectures, workshops or exhibitions;*

2. *Educating the public on the historic and cultural value of their recognized skill; and*

3. *Offering instruction and training to the public in their recognized skill.*

i. *The commission shall organize public performances and events, provide each living treasure an annual stipend and subsidize any costs incurred by the living treasure in furtherance of their program responsibilities.*

j. *The commission shall submit an annual report to the mayor and to the speaker of the council, summarizing the program details. The first report shall be issued no later than 60 days after the first anniversary of the program and annually thereafter.*

§ 3. *This local law takes effect 90 days after it becomes law.*

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Preconsidered Int. No. 2230

By Council Member Dromm.

A Local Law to amend the New York city charter, in relation to the date by which the council shall submit recommendations in regard to the preliminary budget

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

b. Findings and recommendations of the council, or its committees, including recommendations for any changes in the unit of appropriation structure which the council deems appropriate, shall be submitted to the mayor and published not later than the [twenty-fifth day of March] *first day of April*. The net effect of the changes recommended by the council in the preliminary capital budget shall not result in a capital budget which exceeds the maximum amount set forth in the preliminary certificate issued pursuant to section two hundred thirty-five of this charter.

§ 2. This local law takes effect immediately, except that if it becomes law after March 25, 2021, it is retroactive to and deemed to have been in full force and effect as of March 25, 2021.

Adopted by the Council (preconsidered by the Committee on Finance).

Int. No. 2231

By Council Members Dromm and Kallos

A Local Law in relation to extending to the 2021–22 assessment roll the renewal of certain residential property taxation exemptions received on the 2020–21 assessment roll for persons 65 years of age or over and persons with disabilities, and to provide for the repeal thereof

Be it enacted by the Council as follows:

Section 1. As used in this local law, the following terms have the following meanings:

2020–21 assessment roll. The term “2020–21 assessment roll” means the real property tax assessment roll for the tax year beginning on July 1, 2020.

2021–22 assessment roll. The term “2021–22 assessment roll” means the real property tax assessment roll for the tax year beginning on July 1, 2021.

Department. The term “department” means the department of finance.

Persons with disabilities homeowner exemption. The term “persons with disabilities homeowner exemption” or “DHE” means the real property tax exemption pursuant to section 11-245.4 of the administrative code of the city of New York.

Senior citizen homeowner exemption. The term “senior citizen homeowner exemption” or “SCHE” means the real property tax exemption pursuant to section 11-245.3 of the administrative code of the city of New York.

§ 2. Pursuant to subpart d of part b of chapter 381 of the laws of 2020, and notwithstanding any provision of sections 11-245.3 and 11-245.4 of the administrative code of the city of New York to the contrary, the department shall extend to the 2021–22 assessment roll the renewal of any senior citizen homeowner exemption or persons with disabilities homeowner exemption received on the 2020–21 assessment roll, in accordance with this local law. A recipient of SCHE or DHE on the 2020–21 assessment roll shall not be required to submit a renewal application in order for such recipient to receive the same exemption on the 2021–22 assessment roll as was received on the 2020–21 assessment roll.

§ 3. Notwithstanding section two of this local law, the department may require a recipient of SCHE or DHE on the 2020–21 assessment roll to file a renewal application if the department has reason to believe that such recipient may have since (i) changed his or her primary residence, (ii) added another owner to the deed of the property for which such exemption was granted, (iii) transferred such property to a new owner, or (iv) died. In such a circumstance, the department will notify such recipient as soon as practicable of the requirement to submit a renewal application, and shall require such renewal application be submitted by March 15 of the appropriate year, provided that no such recipient shall be required to appear in person to file a renewal application. Failure of the department to mail, or of a property owner to receive, any such application form or notice relating thereto shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such owner.

§ 4. A recipient of SCHE or DHE on the 2020–21 assessment roll who has had a change in income that may qualify such recipient for a greater exemption on the 2021–22 assessment roll than was received on the 2020–21 assessment roll, may submit a renewal application for the 2021–22 assessment roll to the department by mail or electronic means, in accordance with the applicable deadlines described in sections 11-245.3 and 11-245.4 of the administrative code of the city of New York.

§ 5. A recipient of SCHE who receives a renewal extension of such exemption pursuant to section two of this local law, and who last applied for such exemption for tax year 2019–20, will be required to apply to renew such exemption for tax year 2023–24 in accordance with the procedures set forth in section 11-245.3 of such administrative code. A recipient of SCHE who last applied for such exemption for tax year 2020–21 will be required to apply to renew such exemption for tax year 2022–23.

§ 6. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of March 7, 2020, provided, however, that it is deemed repealed on July 2, 2022. The commissioner of finance may take any actions necessary for the implementation of this local law, including the mailing of notices and acceptance of applications pursuant to section three of this local law, before this local law takes effect.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 2232

By Council Members Dromm and Kallos.

A Local Law to amend the New York city charter, in relation to establishing an office of sexual orientation and gender identity and expression

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-1 to read as follows:

§ 20-1. *Office of sexual orientation and gender identity and expression. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Director. The term “director” means the director of the office of sexual orientation and gender identity and expression who is appointed pursuant to subdivision b.

Office. The term “office” means the office of sexual orientation and gender identity and expression that is established by subdivision b.

b. Establishment of office; director. The mayor shall establish an office of sexual orientation and gender identity and expression, the head of which shall be a director appointed by the mayor. Such office may be established in any office of the mayor or may be established as a separate office.

c. Powers and duties. The director shall have the following powers and duties:

1. To define issues of concern to lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, nonbinary, gender nonconforming and other individuals identified by the director as appropriate, and the families and communities of such individuals, and work to find innovative ways of utilizing city resources to help address such issues of concern;

2. To review, at the request of the mayor, agency budgets and recommend to the mayor budget priorities to promote programs related to affairs of individuals described in paragraph 1;

3. To advise and assist the mayor in the coordination and cooperation among city agencies that are involved in the administration, regulation or management of programs identified pursuant to paragraph 2;

4. To promote public awareness of resources available with respect to the issues described in paragraph 1 and to refer members of the public to providers for advice, assistance and available services in connection with particular issues;

5. To conduct community outreach and education targeted to the individuals, families and communities described in paragraph 1; and

6. To perform such other duties as the mayor may assign.

d. Annual report. No later than January 1, 2022, and annually thereafter, the director shall prepare and submit to the mayor and the speaker of the council a report on the activities carried out by the office during the preceding year.

§ 2. This local law takes effect 90 days after it becomes a law.

Referred to the Committee on Women and Gender Equity.

Preconsidered Res. No. 1544

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Member Dromm.

Whereas, On June 30, 2020, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, On June 19, 2019 the City Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

Whereas, On June 14, 2018, the City Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 Expense Budget by approving the new designation and/or changes in the designation for certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and/or changes in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budget by approving the new designation and the change in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019 Expense Budget by approving the changes in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth, aging, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving aging discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the technical adjustment to a designation made in a previous Transparency Resolution in relation to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Public Health Backfill Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the a removal of funds from the administering agency pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Lien Sale Outreach and Assistance Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local, youth, aging, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 27.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1544 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 2233

By Council Members Gibson, The Speaker (Council Member Johnson), Gjonaj, Holden, Ayala, Brannan and Rosenthal.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to adjusting penalties and allowing opportunities to cure for certain violations

Be it enacted by the Council as follows:

Section 1. Paragraph (2) of subdivision (h) of section 2203 of the New York city charter, as amended by chapter 205 of the laws of 2020, is amended to add new subparagraphs (A) and (B) to read as follows:

(2) All such proceedings shall be commenced by the service of a notice of violation. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The notice of violation shall contain information advising the person charged of the manner and the time in which such person may either admit or deny the violation charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against such person. The original or a copy of the notice of violation shall be filed and retained by the department and shall be deemed a record kept in the ordinary course of business.

(A) *Notwithstanding any provision to the contrary in this paragraph, where the administrative code provides that no civil penalty shall be imposed for a violation, the notice of violation issued for such violation*

shall not require the person charged to admit or deny a violation and shall contain or be accompanied by a warning letter that informs the person charged that the department believes the person charged has committed a violation, describes generally the allegedly illegal conditions or activities, and warns the person charged of any potential civil penalties for continued or subsequent violations. The person charged shall have the opportunity to contest the allegation in the notice of violation if such person believes that no such violation was committed, and the notice of violation shall advise the person charged of such opportunity to contest.

(B) Notwithstanding any provision to the contrary in this paragraph, where the administrative code provides that a violation may be cured, the notice of violation for such violation shall advise the person charged of the opportunity to cure such violation, the time permitted to cure the violation, and the method by which the person charged may submit proof that the violation has been cured. Submission of proof of such cure by the person charged shall not constitute an admission of liability for such violation unless the department is satisfied by such proof that the violation has been cured. For a curable violation, the commissioner shall not require the person charged to admit or deny a violation unless the respondent has been advised of the opportunity to cure pursuant to this subparagraph and subsequently has not submitted satisfactory proof of cure within the time permitted by law.

§ 2. Subdivision j of section 10-108 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Notwithstanding any other provision of law, any person who uses or operates any sound device or apparatus for commercial and business advertising purpose in violation of subdivision c of this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first violation but the police commissioner or commissioner of environmental protection shall issue a warning notice to such person for such first violation that informs such person of the nature of the violation, warns such person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a first violation shall be imposed in the amount prescribed for a first violation in paragraph 2 of this subdivision and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. For a second, third or subsequent violation, or a fourth or subsequent violation within a period of six months, of subdivision c of this section or any rules promulgated pursuant thereto, such person shall be liable for a civil penalty in the amount prescribed for such violation in paragraph 2 of this subdivision.

§ 3. Section 10-121 of the administrative code of the city of New York, subdivision a of such section as amended by local law number 2 for the year 2003, subdivision b of such section as amended by local law number 29 for the year 2003, subdivision e of such section as added by local law number 111 for the year 1993 and subdivision g of such section as added by local law number 2 for the year 2003, are amended to read as follows:

§ 10-121 Violation. a. Any person convicted of a violation of any of the provisions of section 10-119 or 10-120 of the code shall be punished by a fine of not less than seventy-five dollars nor more than one hundred fifty dollars, for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code shall not apply with respect to criminal prosecutions brought pursuant to this subdivision.

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 [or 10-120] of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of not less than seventy five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period[.], *except that for a violation of section 10-119 or any rules promulgated pursuant thereto by any owner, lessee or person in control of a commercial establishment, such owner, lessee or person shall not be subject to a civil penalty for a first offense but the commissioner of sanitation shall issue a warning notice to such owner, lessee or person for such first offense that informs such owner, lessee or person of the nature of the offense, warns such owner, lessee or person that the law authorizes civil penalties for the offense and states that subsequent offenses will result in the imposition of such penalties in amounts designated for subsequent offenses. A civil penalty for a first offense shall be imposed in the amount of seventy*

five dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. For such a violation by any owner, lessee or person in control of a commercial establishment, the environmental control board shall have the power to impose a civil penalty of seventy five dollars for the second offense within a twelve month period and one hundred fifty dollars for each subsequent offense within a twelve month period, except that the civil penalty for a second offense shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the offense at the hearing of such notice of violation. Anyone found to have violated the provisions of section 10-119 [or 10-120], in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs. Anyone found to have violated section 10-119 of this chapter by affixing any handbill, poster, notice, sign or advertisement to a tree by means of nailing or piercing the tree by any method shall have an additional penalty imposed equal to the amount of the original penalty.

c. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose a civil penalty of not less than seventy five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of section 10-120, in addition to any penalty imposed, shall be responsible for the cost of the removal of the signs that were torn down, defaced or destroyed.

[c]d. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of the environmental control board, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

[d]e. Any person found in violation of any of the provisions of section 10-119 or 10-120 of the code shall be liable for a civil penalty as provided for in [subdivision] *subdivisions b and c* of this section.

[e]f. Liability and responsibility for any civil penalty imposed pursuant to this section for any violation of section 10-119 or 10-120 of the code shall be joint and severable on the part of any corporation found to be liable and responsible and its officers, principals, and stockholders owning more than ten percent of its outstanding voting stock.

g. For the purposes of imposing a criminal fine or civil penalty pursuant to this section, every handbill, poster, notice, sign or advertisement pasted, posted, painted, printed or nailed in violation of section 10-119 of the code or torn down, defaced or destroyed in violation of section 10-120 of the code, shall be deemed to be the subject of a separate violation for which a separate criminal fine or civil penalty shall be imposed.

§ 4. Subdivisions c and d of section 10-169 of the administrative code of the city of New York, as added by local law number 67 for the year 2014, are amended to read as follows:

c. Any person who violates the provisions of paragraph two of subdivision b of this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first offense but the commissioner shall issue such person a warning notice for such first offense that informs such person of the nature of the offense, warns such person that the law authorizes civil penalties for the offense and states that subsequent offenses will result in the imposition of such penalties in amounts designated for subsequent offenses. A civil penalty for a first offense shall be imposed in the amount of one hundred dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such person shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of [two hundred fifty] one hundred dollars for the [first offense and five hundred dollars for] second offense within any eighteen-month period and three hundred fifty dollars for each subsequent offense within any eighteen-month period[.], except that the penalty for a second offense shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such person submits proof of having cured the offense at the hearing of such notice of violation. Any person who violates the provisions of paragraph two of subdivision b of this section or any rules promulgated pursuant thereto by attaching or enclosing by any means any publicly accessible collection bin to or on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall not be subject to a civil penalty for a first offense but the commissioner shall issue such person a warning notice for such first offense that informs such person of the

nature of the offense, warns such person that the law authorizes civil penalties for the offense and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent offenses. A civil penalty for a first offense shall be imposed in the amount of three hundred fifty dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such person shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of [five hundred] three hundred fifty dollars for the [first offense and one thousand dollars for] second offense within any eighteen-month period and eight hundred fifty dollars for each subsequent offense within any eighteen-month period[.], except that the penalty for the second offense shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such person submits proof of having cured the offense at the hearing of such notice of violation. For purposes of this section, each publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be deemed a separate violation.

d. Any person who violates the provisions of paragraphs one, four or five of subdivision b of this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first offense but the commissioner shall issue such person a warning notice for such first offense that informs such person of the nature of the offense, warns such person that the law authorizes civil penalties for the offense and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent offenses. A civil penalty for a first offense shall be imposed in the amount of fifty dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such person shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of fifty dollars for the [first offense and one hundred dollars] second offense within any eighteen-month period and one hundred dollars for each subsequent offense within any eighteen-month period[.], except that the penalty for the second offense shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such person submits proof of having cured the offense at the hearing of such notice of violation.

§ 5. Paragraph (i) of subdivision d of section 16-116 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

d. (i) Except as provided in paragraph (ii) of this subdivision and in this paragraph, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of not less than fifty nor more than one hundred dollars, except that an owner, lessee or person in control of a commercial establishment shall not be subject to a civil penalty for a first violation of subdivision b of this section or any rules promulgated pursuant thereto but the commissioner shall issue such owner, lessee or person a warning notice for such first violation that informs such owner, lessee or person of the nature of the violation, warns such owner, lessee or person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a first violation shall be imposed in the amount of fifty dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such owner, lessee or person shall be liable for a civil penalty of fifty dollars for a second and each subsequent violation of such subdivision or any rules promulgated pursuant thereto, [provided] except that a [first-time] second violation of such subdivision [(b) of this section] or any rules promulgated pursuant thereto by [any] such owner, lessee or person [in control of a commercial establishment] shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation. Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board which shall impose the penalty herein provided.

§ 6. Paragraph a of subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 137 for the year 2018, is amended to read as follows:

a. (1) except as otherwise provided in this subdivision, not less than 50 and not more than 250 dollars for a first violation, except that the civil penalty shall be not less than 250 and not more than 350 dollars for a second violation of subdivision 3, 4 or 6 of this section within any 12 month period, and not less than 350 and not more than 450 dollars for a third or subsequent violation of subdivision 3, 4 or 6 of this section within any 12 month period;

(2) For violation of paragraph (a) of subdivision 2 or subdivision 3, 4, 6 or 7 of this section or any rules promulgated pursuant thereto by an owner, lessee or person in control of a commercial establishment, no civil

penalty for a first violation, but the commissioner shall issue such owner, lessee or person a warning notice for such first violation that informs such owner, lessee or person of the nature of the violation, warns such owner, lessee or person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations, except that a civil penalty for a first violation shall be imposed in the amount of 50 dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation;

(3) For violation of paragraph (a) of subdivision 2 or subdivision 3, 4, 6 or 7 of this section or any rules promulgated pursuant thereto by an owner, lessee or person in control of a commercial establishment, 50 dollars for a second violation within any 12 month period, except that for a violation of paragraph (a) of subdivision 2 or any rules promulgated pursuant thereto such penalty shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof that such violation has been cured at the hearing of such notice of violation, and

(4) For such violation by an owner, lessee or person in control of a commercial establishment, 250 dollars for a third and each subsequent violation of subdivision 3, 4 or 6 of this section or any rules promulgated pursuant thereto within any 12 month period, except that the civil penalty shall be 50 dollars for a third and each subsequent violation of paragraph (a) of subdivision 2 or subdivision 7 of this section or any rules promulgated pursuant thereto;

§ 7. Subdivision f of section 16-120 of the administrative code of the city of New York, as amended by local law number 135 for the year 2018, is amended to read as follows:

f. (1) Except as provided in paragraph (2) of this subdivision, [Any] any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of not less than \$25 nor more than \$100 for the first violation, not less than \$100 nor more than \$200 for a second violation within any twelve-month period, and not less than \$200 nor more than \$300 for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (1) of subdivision e of this section shall be liable for a civil penalty of \$100 for the first violation, \$250 for a second violation within any twelve-month period, and \$350 for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (2) of subdivision e of this section shall be liable for a civil penalty \$75 for the first violation, \$300 for a second violation within any twelve-month period, and \$400 for a third or subsequent violation within any twelve-month period.

(2) An owner, lessee or person in control of a commercial establishment violating the provisions of this section or any rules promulgated pursuant thereto, except subdivision e of this section, shall not be subject to a civil penalty for a first violation but the commissioner shall issue such owner, lessee or person a warning notice for such first violation that informs such owner, lessee or person of the nature of the violation, warns such owner, lessee or person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a first violation shall be imposed in the amount of \$25 and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such owner, lessee or person violating the provisions of this section or any rules promulgated pursuant thereto, except subdivision e of this section, shall be liable for a civil penalty of \$25 for a second violation within any twelve-month period and \$100 for a third and each subsequent violation within any twelve-month period, except that the penalty for a second violation of subdivision a or c of this section or any rules promulgated pursuant thereto shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation.

§ 8. Subdivision h of section 16-122 of the administrative code of the city of New York is amended to read as follows:

h. Any person violating the provisions of subdivision b or c of this section shall be liable and responsible for a civil penalty of not less than twenty-five dollars nor more than one hundred dollars[.], except that an owner, lessee or person in control of a commercial establishment shall not be subject to a civil penalty for a first violation of either subdivision or any rules promulgated pursuant thereto but the commissioner shall issue such owner, lessee or person a warning notice for such first violation that informs such owner, lessee or person of the nature of the violation, warns such owner, lessee or person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in the amounts designated for subsequent violations. A civil penalty for a first violation shall be imposed in the

amount of twenty-five dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such owner, lessee or person violating either subdivision or any rules promulgated pursuant thereto shall be liable for a civil penalty of twenty-five dollars for a second and each subsequent violation, except that the penalty for a second violation of subdivision b or c of this section or any rule promulgated pursuant thereto shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation.

§ 9. Subdivision h of section 16-123 of the administrative code of the city of New York, as amended by local law number 1 for the year 2003, is amended to read as follows:

h. (1) Any person violating the provisions of subdivisions [(j)a()] or [(j)b()] of this section shall be liable and responsible for a civil penalty of not less than ten dollars nor more than one hundred fifty dollars for the first violation, except that for a second violation of subdivision [(j)a()] or [(j)b()] within any twelve-month period such person shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than two hundred fifty dollars and for a third or subsequent violation of subdivision [(j)a()] or [(j)b()] within any twelve-month period such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars.

(2) *Notwithstanding paragraph (1) of this subdivision, any owner, lessee or person in control of a commercial establishment violating the provisions of subdivision a or b of this section shall be liable for a civil penalty of seventy-five dollars for the first violation, one hundred twenty-five dollars for a second violation within any twelve-month period and one hundred seventy-five dollars for a third and each subsequent violation within any twelve-month period.*

§ 10. Subdivision e of section 16-127 of the administrative code of the city of New York is amended to read as follows:

e. Any person violating the provisions of this section shall be liable and responsible for a civil penalty of not less than twenty-five dollars nor more than one hundred dollars. *Notwithstanding any provision in this subdivision, an owner, lessee or person in control of a commercial establishment violating this section or any rules promulgated pursuant thereto shall be liable and responsible for a civil penalty of twenty-five dollars.*

§ 11. Subdivision b of section 16-324 of the administrative code of the city of New York, as amended by local law number 77 for the year 2013, paragraph 1 of subdivision e of such section, as added by local law number 146 for the year 2013, and subdivision f of such section, as added by local law number 142 for the year 2013, are amended to read as follows:

b. Any person who violates subdivision g of section 16-308 of this chapter *or any rules promulgated pursuant thereto* shall [be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation committed within a twelve-month period, and two thousand five hundred dollars for the third and each subsequent violation committed within a twelve-month period.] *not be subject to a civil penalty for a first violation but the commissioner shall issue such person a warning notice for such first violation that informs such person of the nature of the violation, warns such person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a first violation shall be imposed in the amount of two hundred fifty dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such person shall be liable for a civil penalty of two hundred fifty dollars for the second violation committed within a twelve-month period and five hundred dollars for the third and each subsequent violation committed within a twelve-month period.*

e. (1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer affairs promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer affairs, or in a proceeding returnable before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of [two hundred fifty] *one hundred* dollars for the first violation, [five hundred] *two hundred* dollars for the second violation committed on a different day within a period of twelve months, and [one thousand] *four hundred* dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall

not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

f. (1) *Except as provided in paragraph (2) of this subdivision, [Any] any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months[, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before January first, two thousand sixteen].*

(2) *Any owner, lessee or person in control of a food service establishment, mobile food commissary or store, as such terms are defined in subdivision a of section 16-329, that is not part of a chain food service establishment or a chain store, as such terms are defined in subdivision a of section 16-329, who violates section 16-329 of this chapter or any rules promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs in the amount of one hundred fifty dollars for the first violation, two hundred fifty dollars for the second violation committed on a different day within a period of twelve months and five hundred dollars for the third and each subsequent violation committed on different days within a period of twelve months.*

§ 12. Subdivision b of section 16-406 of the administrative code of the city of New York, as added by local law number 97 for the year 2005, is amended to read as follows:

b. Any retailer who violates subdivision a of section 16-405 of this chapter *or any rules promulgated pursuant thereto* shall [be liable for a civil penalty in a proceeding before the environmental control board in the amount of two hundred dollars for the first violation, four hundred dollars for a second violation committed within twelve months of a prior violation, and five hundred dollars for a third or subsequent violation committed within twelve months of any prior violation.] *not be subject to a civil penalty for a first violation but the commissioner shall issue such retailer a warning notice for such first violation that informs such retailer of the nature of the violation, warns such retailer that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a first violation shall be imposed in the amount of two hundred dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such retailer shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of two hundred dollars for a second violation committed within twelve months of a prior violation and four hundred dollars for a third or subsequent violation committed within twelve months of any prior violation, except that the penalty for a second violation of paragraph 1 of subdivision a of section 16-405 in relation to signage and for a second violation of paragraph 3 of subdivision a of section 16-405 shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such retailer submits proof of having cured the violation at the hearing of such notice of violation.*

§ 13. Subdivisions b and c of section 16-455 of the administrative code of the city of New York, as added by local law number 1 for the year 2008, are amended to read as follows:

b. Any operator who violates subdivision b of section 16-453 of this chapter *or any rules promulgated pursuant thereto* shall [be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of: (1) one hundred dollars for the first violation; (2) seven hundred dollars for the second violation within a twelve-month period of the first violation; and (3) one thousand dollars for the third violation within such twelve-month period.] *not be subject to a civil penalty for a first violation but the commissioner shall issue such operator a warning notice for such first violation that informs such operator of the nature of the violation, warns such person that the law authorizes civil penalties for the violation and*

states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a first violation shall be imposed in the amount of one hundred dollars and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such operator shall be liable for a civil penalty recoverable in a proceeding before the environmental control board for a second violation within a twelve-month period in the amount of one hundred dollars and for a third and each subsequent violation within such twelve-month period in the amount of two hundred fifty dollars.

c. Any operator who violates subdivision c of section 16-453 of this chapter or any rules promulgated pursuant thereto shall [be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of: (1) one hundred dollars for the first violation within twelve months of the date the report referred to in such subdivision is due; (2) seven hundred dollars for the second violation within such twelve-month period; and (3) one thousand dollars for the third violation within such twelve-month period.] not be subject to a civil penalty for such first violation but the commissioner shall issue such operator a warning notice for such first violation that informs such operator of the nature of the violation, warns such person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty in the amount of one hundred dollars shall be imposed for such first violation and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such operator shall be liable for a civil penalty recoverable in a proceeding before the environmental control board for a second violation within such twelve-month period in the amount of one hundred dollars, and for a third and each subsequent violation within such twelve-month period in the amount of two hundred fifty dollars, except that the penalty for a second violation of subdivision c of section 16-453 of this chapter or any rules promulgated pursuant thereto shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such operator submits proof of having cured the violation at the hearing of such notice of violation.

§ 14. Subdivision c of section 17-192 of the administrative code of the city of New York is relettered subdivision f.

§ 15. Section 17-192 of the administrative code of the city of New York is amended by adding new subdivisions c, d and e to read as follows:

c. Labels required. Food service establishments and mobile food unit commissaries shall maintain on site the original labels for food products, or documentation acceptable to the department, sufficient to determine whether any food products used or served contain artificial trans fat.

d. Penalties. Any food service establishment or mobile food unit commissary that violates any of the provisions of this section or any rule promulgated pursuant thereto by the department shall be liable for a civil penalty of \$100. Where a food service establishment or mobile food unit commissary is found to have violated this section or any rule promulgated pursuant thereto by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

e. Cure permitted. Any food service establishment or mobile food unit commissary that violates this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such establishment or commissary proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 16. Section 17-199.11 of the administrative code of the city of New York, as added by local law number 75 for the year 2019, is amended and a new subdivision f is added to read as follows:

§ 17-199.11 Food service establishment beverage options for children's meals. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Children's meal. The term "children's meal" means a food or combination of food items listed on a menu or menu board and intended for consumption by children to which the presumption described in subdivision e attaches.

Food. The term "food" has the same meaning as in article 71 of the New York city health code.

Food service establishment. The term "food service establishment" means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the New York city health code.

Menu or menu board. The term "menu or menu board" has the same meaning as in section 81.49 of the New York city health code.

b. The selection of beverages listed as part of the children's meal shall be limited to the following:

1. Water, sparkling water or flavored water, with no added natural or artificial sweeteners;
2. Flavored or unflavored nonfat or one percent fat dairy milk, or flavored or unflavored non-dairy beverage that is nutritionally equivalent to fluid milk, in a serving size of eight ounces or less; or
3. One hundred percent fruit or vegetable juice, or any combination thereof, with no added natural or artificial sweeteners, in a serving size of eight ounces or less. Such juice may contain water or carbonated water.

c. Nothing in this section prohibits a food service establishment from providing upon request by a customer a substitute beverage other than the beverage required under subdivision b of this section.

d. Any food service establishment that violates any of the provisions of this section or any rule promulgated by the department shall be liable for a civil penalty [not to exceed \$200] of \$100. Where a person is found to have violated this section or any rule promulgated by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

e. It shall be a rebuttable presumption that a food item or combination of food items on a menu or menu board is intended for consumption by children if the item or items are shown on the menu or menu board in any one of the following ways:

1. Alongside any of the following words: "child," "children," "kids," "junior," "little," "kiddie," "kiddo," "tyke," any synonym or abbreviation of such words, or any word the department determines would similarly identify a children's meal;
2. Alongside a cartoon illustration, puzzle or game;
3. Accompanied or being offered with a toy or kid's game; or
4. With a limitation on the maximum age of a person who can select the item or items.

f. Any food service establishment that violates this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17. Subdivision c of section 17-325 of the administrative code of the city of New York, paragraph 2 of such subdivision as amended by local law number 38 for the year 2013, is amended and a new paragraph 3 is added to read as follows:

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of subdivision a, b, or c of section 17-307 of this subchapter shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than one thousand dollars together with a penalty of one hundred dollars per day for every day during which the unlicensed business operated.

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of [not less than] twenty-five [nor more than fifty] dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] fifty dollars [nor more than one hundred dollars].

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] one hundred dollars [nor more than two hundred and fifty dollars], in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of [not more than five hundred] *two hundred fifty* dollars.

3. *Notwithstanding paragraph 2 of this subdivision, any person who violates subdivision c of section 17-311 by failing to firmly affix a current letter grade or letter grade pending card to a vending vehicle or pushcart in a conspicuous place as required by rules of the department shall be liable for a civil penalty of five hundred dollars.*

4. *Any person that violates section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated pursuant thereto, shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.*

§ 18. Section 17-377 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

a. A permit shall be kept on the premises designated on the permit.

b. [It] *Such permit* shall be placed in a clean, transparent cover or frame and displayed in such a manner as to be clearly visible to the public.

c. [It] *Such permit* shall be available for inspection at all times by the department.

d. No person shall mutilate, obstruct or tear down [a] *such* permit.

§ 19. Section 17-381 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

a. Any person found in violation of any provision of this subchapter, *other than subdivision b of section 17-377*, or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

b. *Any person found in violation of subdivision b of section 17-377 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation.*

c. *Any person that violates subdivision b of section 17-377 or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 17-377 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.*

§ 20. Subdivision e of section 17-508 of the administrative code of the city of New York, as amended by local law number 147 for the year 2017, is amended to read as follows:

e. 1. Every person who violates subdivisions a or b of this section, *except for violation of subdivision b of this section by failure to comply with subdivision f of section 17-504*, shall, for a first violation thereof, be liable for a civil penalty of not less than two hundred dollars nor more than four hundred dollars; for a second violation, both of which were committed within a period of twelve months, be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of not less than one thousand dollars nor more than two thousand dollars. *Where a person is in compliance with subdivision a of section 17-506 and there are no areas in the place of employment where smoking is permitted, such person who violates subdivision b of this section by failing to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy in the workplace shall, for a first violation thereof, be liable for a civil penalty of fifty dollars; for a second violation, both of which were committed within a period of twelve months, be liable for a civil penalty of one hundred dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of one hundred fifty dollars.*

2. *Where a person is in compliance with subdivision a of section 17-506 and there are no areas in the place of employment where smoking is permitted, such person shall not be subject to a civil penalty for a violation of subdivision b of this section by failing to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of this section by failing to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

3. Every person who violates subdivision d of this section shall be liable for a civil penalty of one hundred dollars for each violation, except that every person who violates subdivision d of this section by smoking, or using an electronic cigarette, in a pedestrian plaza as prohibited by paragraph seven of subdivision c of section 17-503 or in a park or other property under the jurisdiction of the department of parks and recreation as prohibited by paragraph three of subdivision d of section 17-503 shall be liable for a civil penalty of fifty dollars for each violation. Every owner of a class A multiple dwelling who violates subdivision d-1 of this section, and every tenant-shareholder, condominium unit owner and tenant who violates subdivision d-2 of this section, shall be liable for a civil penalty of one hundred dollars for each violation, provided that a violation of paragraph two, three or four of subdivision d-1 shall be considered a single violation regardless of whether such owner failed to disclose a smoking policy, to provide notification of adoption of such policy or a material change to such policy, or to make available copies of such policy to more than one person.

§ 21. Subdivision b of section 17-513.2 of the administrative code of the city of New York, as added by local law number 147 for the year 2017, is amended to read as follows:

b. Class A multiple dwelling smoking policy requirement. The civil penalty provided in *paragraph 3 of subdivision e of section 17-508* shall be the sole remedy for violation of subdivision d-1 or d-2 of such section.

§ 22. Chapter 13 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1307 to read as follows:

§ 17-1307 Penalties. a. *Any child care service found in violation of section 17-1303 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of \$500 for each such violation.*

b. *Any applicant for a new or renewal permit to operate a child care service found in violation of section 17-1304 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of \$1,000 for each such violation.*

c. *Any child care service that violates section 17-1303 or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such child care service proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be*

deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a child care service that has received, for the first time, a notice of violation of section 17-1303 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A child care service may seek review, in the office of administrative trials and hearings, of the determination that the child care service has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 23. Section 17-1501 of the administrative code of the city of New York, as added by local law number 90 for the year 2013, is amended to read as follows:

§ 17-1501 Definitions. As used in this [Chapter] *chapter*, the following terms [shall] have the following meanings:

[a. “Consultative inspection”] *Consultative inspection. The term “consultative inspection” means an educational sanitary inspection of a food service establishment that shall not result in fines or a grade.*

[b. “Covered languages”] *Covered languages. The term “covered languages” means Chinese, English, Haitian Creole, Korean, Bengali, Russian and Spanish, and any other language determined by the department.*

[c. “Critical violations”] *Critical violations. The term “critical violations” [shall have] has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.*

[d. “Food service establishment”] *Food service establishment. The term “food service establishment” means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the health code of the city of New York.*

[e. “Food service establishment inspector”] *Food service establishment inspector. The term “food service establishment inspector” means any individual employed by the department who as part of his or her duties conducts inspections of food service establishments pursuant to subdivision a of section 81.51 of the health code of the city of New York.*

[f. “General violations”] *General violations. The term “general violations” [shall have] has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.*

Grade pending card. The term “grade pending card” means the card issued by the department denoting that the letter grade indicating the inspection grade issued by the department pursuant to section 81.51 of the health code of the city of New York for the current cycle is in the process of being determined.

[g. “Imminent health hazard or public health hazard”] *Imminent health hazard or public health hazard. The term “imminent health hazard or public health hazard” [shall have] has the meaning it is given in section 81.03 of the health code of the city of New York.*

[h. “Initial inspection”] *Initial inspection. The term “initial inspection” means the first sanitary inspection within an inspection cycle.*

[i. “Inspection cycle”] *Inspection cycle. The term “inspection cycle” means a series of related inspections of food service establishments consisting of at least an initial inspection and including, if triggered by the initial or any subsequent inspections within that cycle, a reinspection and any compliance inspections conducted by the department because of a previous inspection score in that cycle.*

Inspection letter grade card. The term “inspection letter grade card” means a card containing a letter grade indicating the inspection grade issued by the department pursuant to section 81.51 of the health code of the city of New York.

[j. “Notice of violation”] *Notice of violation. The term “notice of violation” means a written notice issued by a food service establishment inspector alleging that there was a violation of law or regulation at the food service establishment on the day of the food service establishment inspection.*

[k. “Sanitary inspection”] *Sanitary inspection. The term “sanitary inspection” means any on-site review by the department of a food service establishment’s physical facilities, food handling operations, equipment, sanitary condition, maintenance, and worker hygiene practices. The term may include, but shall not be limited to include, initial, reinspection, compliance and pre-permit inspections.*

§ 24. Subdivision c of section 17-1507 of the administrative code of the city of New York, as added by local law number 138 for the year 2019, is amended to read as follows:

c. Any [person who] *food service establishment that violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than \$500, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.*

§ 25. Section 17-1507 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Any food service establishment that violates subdivision a of this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 26. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1508 to read as follows:

§ 17-1508 Posting, signage and display violations. a. A food service establishment shall post an inspection letter grade card or grade pending card upon receipt from the department. A food service establishment shall post such card conspicuously so that it is visible to the general public and to patrons prior to entering such food service establishment.

b. A food service establishment that fails to conspicuously display an inspection letter grade card or grade pending card in violation of subdivision a of this section shall be subject to a civil penalty of \$500; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

c. Except as provided in subdivision b of this section, a food service establishment that violates this chapter, chapter 1 of this title, any rules promulgated pursuant to either chapter or any other rules promulgated by the department or other provisions of the health code of the city of New York, by failing to post a sign, poster, image, card or other required information, or by failing to display any permit, license or certification, shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

d. Subdivision c of this section does not apply to violations by a food service establishment of this chapter, chapter 1 of this title, any rules promulgated pursuant to either chapter or any other rules promulgated by the department or other provisions of the health code of the city of New York, by failure to post a sign, poster, image, card or other required information if, as determined by the department, such sign, poster, image, card or other required information is required to be posted in order to mitigate a risk of immediate death or serious injury to such general public or patrons.

§ 27. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1509 to read as follows:

§ 17-1509 *General design and maintenance requirements. a. Non-food contact surfaces. Food service establishments shall use materials specified by the commissioner by rule in the construction, repair, and maintenance of the following non-food contact surfaces so as to ensure that they are readily accessible and of such material and finish that residues may be completely removed by normal cleaning methods: (1) floors or floor coverings of food storage areas, food preparation areas, utensil washing areas, walk-in refrigerating units, dressing rooms, locker rooms, lavatories, rest rooms and any other areas of the food service establishment as determined by the commissioner; (2) walls, ceilings, doors, panels, windows and other interior components of rooms as determined by the commissioner; and (3) equipment and fixtures, including but not limited to light fixtures, vent covers and hoods, fans, ducts and decorative materials. Food service establishments shall keep such surfaces clean. The commissioner shall impose other requirements for such surfaces by rule.*

b. Plumbing. (1) A food service establishment shall ensure that its plumbing and plumbing fixtures be properly connected, vented, and drained to prevent contamination of potable water. A food service establishment shall ensure that its potable water supply fixtures or other equipment connected to its potable water supply are designed and constructed, or equipped with a device, to prevent back-flow or siphonage into, or cross connection with, such water supply. The commissioner shall impose other requirements relating to plumbing and potable water supply by rule.

(2) Food service establishments shall drain, dispose, or convey away sewage and liquid waste so as to prevent contamination of the premises and to avoid creation of harborage conditions. The commission shall impose other requirements to ensure the proper handling of sewage and liquid waste by rule.

c. Pest-proofing. Food service establishments shall conduct daily inspections to determine the presence of pests, as defined by subdivision (d) of section 151.01 of the health code of the city of New York, equip doors with barriers so as to prevent the entry of rodents, and carry out any other measures as the commissioner shall set by rule to control the entry and harborage of pests.

d. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 28. Section 17-1707 of the administrative code of the city of New York, as added by local law number 5 of the year 2015, is amended to read as follows:

a. Any person found in violation of any provision of this chapter, other than subdivision c of section 17-1703 of this chapter, or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

b. Any person found in violation of subdivision c of section 17-1703 of this chapter or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

c. Any person that violates subdivision c of section 17-1703 or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the

department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 17-1703 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 29. Section 19-108 of the administrative code of the city of New York, as added by local law number 104 for the year 1993, is amended to read as follows:

§ 19-108 Display of permit. *a.* A copy of any permit issued pursuant to this subchapter shall be kept on the site of the opening or use or at the designated field headquarters of the work with respect to which the permit was issued and shall be presented upon demand of a police officer or any authorized officer or employee of the department or of any other city agency.

b. Any person that violates this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 30. Section 19-123 of the administrative code of the city of New York, as added by local law number 104 for the year 1993, is amended to read as follows:

a. It shall be unlawful for any person using a commercial refuse container or the owner or lessee thereof to place or to permit the placement of such container on any street unless the owner of such container has obtained a permit therefor from the commissioner and unless such container is in compliance with the provisions of this section and the rules of the department in relation thereto.

b. Commercial refuse [container] *containers* may be placed temporarily on the street for such purposes and in such manner as the commissioner shall prescribe. Such containers shall not be used for the deposit of putrescible waste.

c. The name and address of the owner of the container and the permit number shall be posted on the container in the manner provided in the rules of the department.

d. The container shall be painted with a phosphorescent substance, in a manner to be set forth in the rules of the department, so that the dimensions thereof shall be clearly discernible at night.

e. The street under such container shall be shielded by wooden planking, skids or other protective covering approved by the commissioner.

f. The provisions of this section which require the owner of a container to obtain a permit prior to the placement of such container on the street shall not apply to containers which are specifically authorized to be placed on the street under a permit issued pursuant to section 19-121 of this subchapter.

g. Any person that violates subdivision *b* of this section by storing or placing a commercial refuse container within any area designated as no stopping, no standing, no parking anytime or authorized parking as prohibited by any rules promulgated pursuant thereto, or subdivision *c* or *e* of this section or any rules promulgated pursuant thereto, shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision *b* of this section or any rules promulgated pursuant thereto by storing or placing a commercial refuse container within any area designated as no stopping, no standing, no parking anytime or authorized parking, or subdivision *c* or *e*

of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 31. Section 19-124 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

j. Cure permitted. Any person that violates subdivision b or e of this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b or e of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 32. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-124.1 to read as follows:

§ 19-124.1 Banners. a. Permit required. It shall be unlawful to install, place, affix or attach a banner on any property within the jurisdiction of the department without first obtaining a permit from the commissioner.

b. Permit conditions. The commissioner may issue permits for the display of banners promoting cultural exhibits and events or public or historical events which foster tourism or enhance the image of the city. The commissioner may issue permits to business improvement districts, local development corporations or other organizations that have received commercial revitalization program funds from the department of small business services, otherwise known as CRP fund recipients, within the past year for the display of banners within the areas of the business improvement district, local development corporation or CRP fund recipient that are designed to provide information about such areas to the general public.

c. Advertising prohibited. It shall be unlawful to install, place, affix or attach a banner on any property within the jurisdiction of the department which contains advertising text, images, sponsor trade names or logos without the specific prior authorization of the commissioner.

d. Obstruction of egress prohibited. No part of any banner shall be located beneath a fire escape or so located as to obstruct operation of fire escape drop ladders or counterbalanced stairs or so as to obstruct any exit from a building.

e. Rules. The commissioner may, except as otherwise provided by law, make rules pertaining to banner permit conditions, permit fees, permit transferability and permit revocation, and for the design, installation, inspection, maintenance, and removal of banners on any property within the jurisdiction of the department as the commissioner may deem necessary for the safety and convenience of the public.

f. Cure permitted. Any person that violates subdivision a or c of this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or c of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 33. Section 19-125 of the administrative code of the city of New York, as added by local law number 104 for the year 1993, is amended by adding a new subdivision f to read as follows:

f. Cure permitted. Any person that violates subdivision c or d of this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof

of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c or d of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 34. Section 19-127 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

§ 19-127 Use of hand trucks on the streets. *a.* It shall be unlawful for any person to use hand trucks for commercial purposes upon any street unless each hand truck shall have attached thereon a sign or plate displaying the name and address of the owner of the hand truck, in letters not less than one inch in size.

b. Cure permitted. Any person that violates subdivision a of this section or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 35. Subparagraph (b) of paragraph 6 of subdivision f of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, is amended to read as follows:

(b) Any owner or person in control of one or more newsracks found by the board to have failed to certify, or to have failed to accurately demonstrate that such owner or person repainted or used best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, as required by paragraph one of subdivision e of this section, or failed to comply with any other requirements of such paragraph, or failed to comply with any provision of paragraph two of subdivision c of this section, or failed to maintain insurance as required by subdivision d of this section, shall be liable for a civil penalty determined in accordance with the number of newsracks such person owns or controls as follows:

| Number of newsracks owned or controlled by such person | A violation of paragraph one of subdivision e, paragraph two of subdivision c or subdivision d of this section |
|--|---|
| Up to and including ninety-nine [newsracks] <u>newsracks</u> | Two hundred fifty [to five hundred] dollars |
| More than ninety-nine and less than two hundred fifty newsracks | Three hundred seventy-five to seven hundred fifty dollars |
| More than two hundred forty-nine and less than five hundred newsracks | Seven hundred fifty to one thousand five hundred dollars |
| More than four hundred ninety-nine and less than seven hundred fifty newsracks | One thousand one hundred twenty-five to two thousand two hundred fifty dollars |
| More than seven hundred forty-nine and less than one thousand newsracks | One thousand five hundred to three thousand dollars |
| One thousand or more newsracks | Two thousand to four thousand dollars |

§ 36. Subdivision a of section 19-150 of the administrative code of the city of New York, as amended by local law number 4 for the year 2011, and paragraph 1 of subdivision b of such section, as amended by local law number 5 for the year 2018, are amended to read as follows:

a. In addition to or as an alternative to the penalties set forth in section 19-149, any person who violates any of the provisions of this subchapter, or of section 24-521 of the code, or any order issued by or rule promulgated by the commissioner pursuant thereto or the terms or conditions of any permit issued pursuant thereto, or who causes, authorizes or permits such violation shall be liable for a civil penalty for each violation

as provided in subdivision b. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense[, except that in the case of a violation of section 19-133.1, failure to remove an ATM booth pursuant to an order issued in accordance with subdivision c of section 19-133.1 shall be subject to a civil penalty of not less than two thousand five hundred dollars nor greater than five thousand dollars for the first day of such violation and a civil penalty of five thousand dollars for every five days beyond the first day that such violation shall be in effect, and provided further that there shall be rebuttable presumption that the ATM booth has remained in place during each such five-day period] *unless otherwise provided in this subchapter.*

b. 1. Except as *otherwise* provided in *this subchapter* [subdivision c of this section], such civil penalty shall be determined in accordance with the following schedule:

| Section of the Administrative Code | Maximum Civil Penalty (dollars) |
|---|--|
| 19-102 | 10,000 |
| 19-107 | 10,000 |
| <i>19-108</i> | 75 |
| 19-109 | 10,000 |
| 19-111 | 5,000 |
| 19-112 | 5,000 |
| 19-113 | 5,000 |
| 19-115 | 5,000 |
| 19-116 | 5,000 |
| 19-117 [subd](a) | 10,000 |
| 19-119 | 10,000 |
| 19-121 | 10,000 |
| 19-122 | 5,000 |
| 19-123 (c) | [10,000] 75 |
| <i>19-123 (e)</i> | 300 |
| <i>19-124 (a)</i> | 300 |
| <i>19-124 (b)</i> | 75 |
| <i>19-124 (e)</i> | 75 |
| <i>19-124.1 (a)</i> | 450 |
| <i>19-124.1 (c)</i> | 75 |
| <i>19-125 (a)</i> | 300 |
| <i>19-125 (c)</i> | 150 |
| <i>19-125 (d)</i> | 150 |
| 19-126 | 10,000 |
| <i>19-127</i> | 75 |
| 19-128 | 5,000 |
| 19-133 | 5,000 |
| 19-133.1 | 10,000 |
| 19-135 | 5,000 |
| <i>19-136 (j)</i> | 300 |
| 19-137 | 5,000 |
| 19-138 | 5,000 |
| 19-139 | 10,000 |
| 19-141 | 5,000 |
| 19-144 | 10,000 |
| 19-145 | 10,000 |
| 19-146 | 5,000 |
| 19-147 | 10,000 |
| 19-148 | 5,000 |

| | |
|---|--------|
| 24-521 | 10,000 |
| All other [Provisions] provisions of this subchapter and rules or orders relating thereto | 5,000 |

§ 37. Subdivision d of section 20-104 of the administrative code of the city of New York is amended to read as follows:

d. 1. The commissioner or the commissioner's designee shall be authorized to conduct investigations, to issue subpoenas, to receive evidence, to hear complaints regarding activities for which a license is or may be required, to take depositions on due notice, to serve interrogatories, to hold public and private hearings upon due notice, to take testimony and to promulgate, amend and modify procedures and practices governing such proceedings.

2. *The commissioner or the commissioner's designee shall notify a licensee or an applicant for a license through a complaint in writing if the commissioner or the commissioner's designee believes that such licensee or such applicant may be in violation of this title. The commissioner or the commissioner's designee shall allow such licensee or such applicant twenty days to provide a written response to such complaint and shall require such licensee or such applicant to set forth such licensee's or such applicant's position on the subject of the complaint and provide any documents in such licensee's or such applicant's possession related to the subject of the complaint. The commissioner or commissioner's designee shall require that such licensee or such applicant respond to any subsequent communications from the commissioner or commissioner's designee concerning the subject of the complaint within ten days after receiving such subsequent communications. The commissioner may promulgate any rules that the commissioner believes necessary to implement and enforce the requirements set forth in this paragraph.*

§ 38. Chapter 1 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-119 to read as follows:

§ 20-119 *Penalties. Except as otherwise provided in this chapter, any person who violates any provision of this chapter or any rules promulgated pursuant to this chapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed except that a person shall not be subject to a civil penalty for a first-time violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 39. Subdivision h of section 20-211 of the administrative code of the city of New York, as added by local law number 72 for the year 1995, and subdivision i of such section, as added by local law number 58 for the year 2005, are amended to read as follows:

[h. "Affected community board" means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.]

[i.] h. "Gaming cafe" is a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.

§ 40. Sections 20-212 and 20-213 of the administrative code of the city of New York are REPEALED.

§ 41. Section 20-214 of the administrative code of the city of New York, as added by local law number 72 for the year 1995; paragraphs (2) and (3) of subdivision a, paragraphs (1) and (2) of subdivision c, and subdivision d as amended by local law number 58 for the year 2005; paragraph (3) of subdivision c as amended by local law number 45 for the year 2013; and paragraph (4) of subdivision c as added by local law number 59 for the year 2005, is renumbered section 20-212 and amended to read as follows:

[License requirements] *Requirements.* [a. Generally. (1) The application shall be made on a form to be provided by the commissioner and shall include such information as the commissioner shall deem pertinent.

(2) Every amusement device owner, gaming cafe owner or amusement arcade owner must submit to the department either a valid certificate of occupancy or an equivalent document duly issued by the department of buildings stating that the premises in which such amusement device, gaming cafe or amusement arcade is to be located is situated in an area which is zoned to permit such use or a valid, current permit or special permit has been granted by the appropriate city agency permitting such use at the given location. If such permit or special permit shall expire or be terminated for any reason during the pendency of any license, the licensee shall present to the department a new permit or special permit authorizing such continued use of the premises for an amusement device, gaming cafe or amusement arcade. If such new permit or special permit is not presented within ten days of the expiration of the prior permit or special permit, such amusement device license, gaming cafe or amusement arcade license shall be terminated automatically and without any requirement of notice or hearing by the department.

(3) Within fifteen days of receipt of a new application for a license to operate an amusement device, gaming cafe or an amusement arcade, the commissioner shall give notice of such new application to the affected community board and the council member for that district. The affected community board shall have fifteen days from receipt of the notification to comment on such application to the department.

(4) The commissioner shall promptly notify the affected community board and the council member for that district of the final disposition of any license application that was subject to comment by the community board under paragraph three of this subdivision.]

[b.] *a. Amusement [Devices] devices.*

[(1) In order to apply for an amusement device license, the amusement device owner must present to the department a completed application at least thirty days before the amusement device is to be operated.]

[(2)] (1) Every amusement device owner must [submit with his or her license application for an amusement device proof that he or she has purchased] *purchase* insurance or [posted] *post* cash or other security in an amount not less one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device. In addition, [the application must be accompanied by the] *every amusement device owner must maintain in such owner's possession for display at the commissioner's request* certificates of insurance for workers' compensation and disability coverage.

[(3)] (2) Every amusement device owner must *ensure that all such amusement devices* [submit proof that] *have undergone* an inspection [of the amusement device was made] by the department of buildings, and that such amusement [device] *devices have* passed an elevator and/or electrical control inspection, prior to the [issuance or renewal of a license] *first instance of operation of any such amusement devices.*

[(4)] (3) Every portable amusement device shall be equipped with a stairway on either or both sides thereof so that the stairway in use at any time for access to or egress from such portable amusement device shall at all times be within a reasonable distance from the sidewalk, such distance to be determined at the discretion of the commissioner. The operator of such portable amusement device shall not at any time permit any person to be admitted to the portable amusement device or to depart therefrom except by the stairway.

(4) *Notification of accidents. Every amusement operator shall provide notice to the department of any accident relating to an amusement device within twenty-four hours after the occurrence of such accident, or immediately after such accident if any person sustains an injury requiring medical treatment or dies as a result of such accident. The commissioner shall set by rule the form and content of such notice and the manner in which such notice shall be transmitted to the department.*

[c.] *b. Amusement [Arcades and Gaming Cafes] arcades and gaming cafes.*

(1) The commissioner, at the time an amusement arcade or gaming cafe license application is made, may prescribe conditions for the operation of such amusement arcade or gaming cafe in order to minimize adverse effects on the surrounding area, including, but not limited to, prescribing hours of operation and requirements for security and supervision. After a license is granted, the commissioner may prescribe such conditions from time to time upon notice and opportunity to be heard.]

[(2)] (1) Each player-operated amusement device located within an amusement arcade or gaming cafe shall display a sign or signs, located and designed so as to be discernible by all players and prospective players, setting forth the rules of play, including the price of each game.

[3] (2) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance. [Any license to operate an amusement arcade or gaming cafe issued pursuant to subdivision c of section 20-212 of this subchapter shall be revoked, after notice and hearing, where (i) the department finds that the owner or operator of such arcade or cafe or an employee thereof has permitted on the premises of such arcade or cafe the offering or distribution of such prizes or awards; or (ii) the owner or operator of such arcade or cafe, or an employee thereof, is convicted of violating any section of article 225 of the penal law or of a lesser offense in satisfaction of a criminal charge pursuant to article 225 of the penal law, for conduct occurring on the premises of such arcade or cafe.]

[4] (3) No amusement arcade or gaming cafe owner or operator shall permit persons under the age of eighteen, unless such persons are otherwise exempt under New York State Education Law, to enter or remain in an amusement arcade or gaming cafe between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools. Such owners shall prominently display a sign stating that, unless exempt by New York State Education Law, persons under eighteen years of age are not to enter or remain on the premises at such times and that the truancy laws of the state of New York will be enforced.

[d.] c. Placement and [Operation] *operation*. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed or operated in such a manner as to obstruct, or cause by the congregating of persons, an obstruction to, or interfere with, any public corridor or passageway, or to obstruct the entrance or exit to any premises. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed on a public sidewalk in front of or adjacent to an amusement arcade or gaming cafe.

§ 42. Section 20-215 of the administrative code of the city of New York is renumbered section 20-213.

§ 43. Section 20-216 of the administrative code of the city of New York, as amended by local law number 86 for the year 2009 and subdivision d of such section as added by such local law, is renumbered section 20-214 and subdivision e of such section is amended to read as follows:

e. Any person who violates the provisions of this section or any rules promulgated hereunder shall be guilty of a class B misdemeanor. In addition, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty [of not more than five hundred dollars] *as provided in section 20-214.1 of this subchapter*.

§ 44. Subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-214.1 to read as follows:

§ 20-214.1 *Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall not be subject to a civil penalty for a first-time violation of subdivision a or d of 20-214 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-214 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

b. Notwithstanding subdivision a of this section, there shall be no civil penalty imposed for a first-time violation of subdivision c of section 20-214 of this subchapter or any rule or regulation issued thereunder. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent violations of subdivision c of section 20-214 of this subchapter or any rule or regulation issued thereunder will result in the imposition of civil penalties in amounts designated for subsequent violations. A civil penalty for a first-time violation shall be imposed in the amount designated for a first-time violation and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, a first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a second-time violation shall be in the amount designated in this section for a first-time violation and the penalty for a third-time and each subsequent violation shall be in the amount designated in this section for a second-time violation.

c. Notwithstanding subdivision a of this section, any person who violates paragraph (4) of subdivision a of section 20-212 or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of five hundred dollars.

§ 45. Subdivisions a and b of section 20-227.1 of the administrative code of the city of New York, as added by local law number 8 for the year 2003, are amended to read as follows:

a. *Notwithstanding subdivision c of section 20-106, [Any] any person found to be operating an unlicensed sidewalk cafe shall be liable for a civil penalty of [at least] two hundred [and not more than one thousand] dollars for the first violation, [at least] and two hundred [and not more than one thousand] dollars for each additional violation occurring on the same day; and [at least] five hundred [and not more than two thousand] dollars for the second violation and each subsequent violation at the same place of business within a two-year period. For purposes of this section, any violation for operating an unlicensed sidewalk cafe shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.*

b. Any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license and/or a revocable consent or rules promulgated by the commissioner pursuant to this subchapter, shall be liable for a civil penalty of [at least] two hundred [and not more than one thousand] dollars for the first violation, [at least] and two hundred [and not more than one thousand] dollars for each additional violation occurring on the same day; and [at least] five hundred [and not more than two thousand] dollars for the second violation, and [at least] one thousand [and not more than four thousand] dollars for each subsequent violation at the same place of business within a two-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a two-year period, any person licensed to operate a sidewalk cafe at such place of business shall be subject to suspension or revocation of his or her sidewalk cafe license for such place of business. For purposes of this section, any such violation by any license holder at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises. A sidewalk cafe license shall be suspended or revoked at the same hearing at which a person is found liable for a third violation or subsequent violations at the same place of business within a two-year period.

§ 46. Section 20-227.1 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. Any person found to be operating an unlicensed sidewalk café or a holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license or a revocable consent, or rules promulgated by the commissioner pursuant to this subchapter shall not be subject to a civil penalty as set forth in subdivision a or b of this section for a first-time violation, if such person or holder of a license proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to such person or holder of a license who has received, for the first time, a notice of violation of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. Such person or holder of a license may seek review, in the department's administrative tribunal, of the determination that such person or holder of a license has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 47. Subdivision d of section 20-240.1 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and shall be subject to the penalty and enforcement provisions of either subchapter twenty-five of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation issued thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] *only if the department is satisfied by such proof that the violation has been cured.* The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-327 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 48. Subchapter 7 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-241.2 to read as follows:

§ 20-241.2 *Penalties. Except as otherwise provided in this subchapter and in subdivision c of section 20-106, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b of section 20-233 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-233 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 49. Subchapter 8 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-247.1 to read as follows:

§ 20-247.1 *Penalties. Except as provided in subdivision c of section 20-106, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil*

penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed.

§ 50. Section 20-249 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, and subdivision j of such section, as added by local law number 53 for the year 2009, is amended to read as follows:

§ 20-249 Definitions. Whenever used in this subchapter:

Electric pedal-assist motor. The term “electric pedal-assist motor” means an electric motor of a pedicab that provides pedaling assistance only when the pedicab driver is pedaling, and that ceases to provide such assistance when such pedicab reaches a speed of 20 miles per hour. The term “electric pedal-assist motor” does not include any electric motor involving a throttle-assist mechanism that does not require pedaling on the part of the pedicab driver to propel and operate the pedicab.

[a. “Family member” shall mean] *Family member. The term “family member” means a member of the immediate family, including, but not limited to, a spouse, domestic partner, sibling, child, grandchild, parent or grandparent.*

[b. “Owned” or “owns” shall mean] *Owned or owns. The term “owned” or “owns” means possession with good legal title, or possession under a lease, reserve title contract, conditional sales agreement or vendor's agreement or similar agreement.*

[c. “Pedicab” shall mean] *Pedicab. The term “pedicab” means a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, or with an electric pedal-assist motor, and that is operated to transport passengers for hire.*

[d. “Pedicab owner” or “owner” shall mean] *Pedicab owner or owner. The term “pedicab owner” or “owner” means any person who owns one or more pedicabs in the city of New York.*

[e. “Pedicab business” or “business” shall mean] *Pedicab business or business. The term “pedicab business” or “business” means a pedicab owner who operates or authorizes the operation of one or more pedicabs in the city of New York.*

[f. “Pedicab business license” shall mean] *Pedicab business license. The term “pedicab business license” means a license issued by the commissioner pursuant to section 20-250.*

[g. “Pedicab driver” shall mean] *Pedicab driver. The term “pedicab driver” means any natural person who propels and operates a pedicab in the city of New York.*

[h. “Pedicab driver license” shall mean] *Pedicab driver license. The term “pedicab driver license” means a license issued by the commissioner to a pedicab driver to operate a pedicab.*

[i. “Person” shall mean] *Person. The term “person” means any natural person, firm, partnership, joint venture, corporation or association.*

[j. “Registration plate” shall mean] *Registration plate. The term “registration plate” means a unique identification tag issued by the commissioner pursuant to section 20-255.*

§ 51. Subdivision b of section 20-263 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

b. *Except as provided in subdivision c of section 20-106, [Any] any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty [that shall not be] of: (1) [less than] two hundred [nor more than five hundred] dollars for the first violation and for each additional violation committed on the same day; (2) [less than] five hundred [nor more than one thousand] dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) [less than] one thousand [nor more than four thousand] dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; except that for a violation of section 20-253 or a violation of paragraph 6 of subdivision b of section 20-259 the civil penalty shall be: (1) five hundred dollars for first violation; (2) one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) four thousand dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; and except that a person shall not be subject to such civil penalty for a first-time violation of paragraphs 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 of this subchapter or any rule or regulation issued thereunder, or any rule or regulation promulgated under subdivision b of section 20-265 of*

this subchapter, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraphs 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 of this subchapter or any rule or regulation issued thereunder, or any rule or regulation promulgated under subdivision b of section 20-265 of this subchapter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. The pedicab business that authorizes the operation of such pedicab shall be jointly and severally liable with the pedicab driver thereof, for the penalties imposed by this section.

§ 52. Paragraph 1 of subdivision d of section 20-271 of the administrative code of the city of New York, as added by local law number 44 for the year 2015, is amended to read as follows:

d. 1. Any person who violates subdivision b of this section or any rule or regulation issued thereunder shall be subject to a civil penalty of [not more than]:

(a) [five hundred] *three hundred and seventy-five* dollars for the first violation;

(b) [seven hundred and fifty] *four hundred and fifty* dollars for the second violation committed within one year of the first violation; and

(c) [one thousand dollars] *five hundred* for the third or any subsequent violation committed within one year of the first violation.

§ 53. Subdivision b of section 20-275 of the administrative code of the city of New York, as amended by local law number 197 for the year 2017, is amended to read as follows:

b. Except as otherwise provided in this subchapter or in *in subdivision c of section 20-106*, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of [not more than] *\$175 for the first violation, \$300 for the second violation and \$500 for [each] the third and any subsequent* violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] *only if the department is satisfied by such proof that the violation has been cured.* The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or section 20-271 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 54. Subchapter 12 of chapter 2 of the title 20 of the administrative code of the city of New York is amended by adding new sections 20-277.1 and 20-277.2 to read as follows:

§ 20-277.1 *Tickets. a. Every pawn ticket issued by a pawnbroker shall include a notation in either of the following forms: "not accountable for loss of goods by fire or theft" or "protected against loss by fire or theft." The commissioner may adopt such rules and regulations to permit words having practically the same meaning as the foregoing.*

b. Every pawnbroker shall, in every possible way, call attention to the contents of the pawn ticket, including the placing in a prominent position in such pawnbroker's place of business of a sign reading: "Read your ticket."

c. In every case where a charge is made or a fee exacted for extra care, the pawnbroker shall specifically call the pledgor's attention to the said charge at the time the loan is made, and no such charge or fee shall be allowed unless such pledgor shall sign an agreement to pay such extra charge and the fee for such extra charge, as agreed upon, shall be plainly written on the face of the pawn ticket.

d. Every pawnbroker shall place in a prominent position in such pawnbroker's place of business a reproduction of the application for the pawn ticket and the front of the pawn ticket which have been enlarged to twice their normal size, and a reproduction of the back of the pawn ticket which has been enlarged to three times its normal size.

§ 20-277.2 Penalties. Except as provided in subdivision c of section 20-106, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b or d of section 20-277.1 of this subchapter, or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b or d of section 20-277.1, or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 55. Subchapter 13 of chapter 2 of the title 20 of the administrative code of the city of New York is amended by adding a new section 20-291 to read as follows:

§ 20-291 Penalties. a. Except as provided in subdivision c of section 20-106, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed.

b. Notwithstanding any inconsistent provision of this section, there shall be no civil penalty imposed for a first-time violation of section 20-280 or 20-282 of this subchapter or any rule or regulation issued thereunder. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent violations of section 20-280 or 20-282 of this subchapter or any rule or regulation issued thereunder will result in the imposition of civil penalties in amounts designated for subsequent violations. A civil penalty for a first-time violation shall be imposed in the amount designated for a first-time violation and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, a first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a second-time violation shall be in the amount designated in this section for a first-time violation and the penalty for a third-time and each subsequent violation shall be in the amount designated in this section for a second-time violation.

§ 56. Section 20-297.1 of the administrative code of the city of New York, as added by local law number 87 for the year 2016, is amended to read as follows:

§ 20.297.1 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Industrial laundry. The term "industrial laundry" means (i) a facility used to provide laundry services to commercial clients, including but not limited to hotels, hospitals, restaurants, gyms and retail laundries, or (ii) a facility used to provide laundry services maintained or operated in connection with any commercial institution, including but not limited to any hotel, restaurant or gym. The term "industrial laundry" does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

Industrial laundry delivery. The term "industrial laundry delivery" means:

1. To transport laundry from a commercial client within the city to an industrial laundry within or outside the city for laundry services;
2. To transport laundry from a commercial client outside the city to an industrial laundry within the city for laundry services;
3. To transport laundry from an industrial laundry within the city to a commercial client within or outside the city after laundry services have been performed; or
4. To transport laundry from an industrial laundry outside the city to a commercial client within the city after laundry services have been performed.

Laundry. The term “laundry” means clothing, apparel, sheets, towels, linens and other fabrics that are intended for laundry services.

Laundry service. The term “laundry service” means washing, drying, starching or ironing laundry for a fee, and includes such services when they are provided along with or as an incident to the rental of clothing, apparel or other fabrics. The term “laundry service” does not include dry cleaning.

Retail laundry. The term “retail laundry” means (i) a business that provides laundry services to the general public; (ii) a business that stores or collects laundry for laundry services or delivery for the general public; or (iii) a business that offers self-service laundry machinery for direct use by the general public. The term “retail laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

[Successor. The term “successor” means any applicant for a license to operate an industrial laundry that satisfies two or more of the following criteria:

1. The applicant uses the same facility or workforce to offer substantially the same services as the predecessor industrial laundry.
2. The applicant shared in the ownership or otherwise exercised control over the management of the predecessor industrial laundry.
3. The industrial laundry employs in a managerial capacity any person who controlled the wages, hours or working conditions of the employees of the predecessor industrial laundry.
4. At least one of the principals of the applicant is a spouse, domestic partner, parent, stepparent, foster parent, adoptive parent, sibling, stepsibling, foster sibling, adoptive sibling, child, stepchild, foster child or adopted child of any owner, partner, officer or director of the predecessor industrial laundry, or of any person who had a financial interest in the predecessor industrial laundry.]

§ 57. Sections 20-297.2, 20-297.3 and 20-297.4 of the administrative code of the city of New York are REPEALED.

§ 58. Section 20-297.5 of the administrative code of the city of New York, as added by local law number 87 for the year 2016, is renumbered section 20-297.2 and amended to read as follows:

a. Each [licensee] *laundry operator* shall attach to all handcarts and pushcarts a label or tag that displays, in letters not less than two inches in height, such [licensee's] *laundry operator's* name[,] *and* address [and license number].

b. Bills, tickets, cards, advertising or stationery issued or distributed by any [licensee] *laundry operator* shall contain such [licensee's] *laundry operator's* name[,] *and* address [and license number].

c. Charges to laundry consumers shall state accurately and clearly the name and address of the consumer and computation of the laundry charge.

[d. Each retail laundry licensee, industrial laundry licensee and industrial laundry delivery licensee shall notify the commissioner within 30 days of any sale, assignment or change in ownership of such retail laundry, industrial laundry or business that engages in industrial laundry delivery.]

[e] *d.* Each retail laundry where the general public may use self-service laundry machinery shall have on premises an attendant from 8:00 P.M. until closing or 6:00 A.M. the following day, whichever is earlier.

[f] *e.* Each vehicle used for retail or industrial laundry delivery shall display, in letters no less than two inches in height, the [licensee's] *laundry operator's* name, business address and business telephone number [and the license number assigned by the commissioner].

§ 59. Section 20-297.6 of the administrative code of the city of New York, as added by local law number 87 for the year 2016, is renumbered section 20-297.3 and amended to read as follows:

- a. Minimum standards of cleanliness and hygiene.

1. In addition to complying with section [20-297.5] 20-297.2, each industrial laundry [licensee] *operator* shall:

- (a) Launder all laundry using a detergent that is appropriate for each type of fabric;
- (b) Handle, store and process laundered and unlaundered laundry in a manner that minimizes the spread of contaminants and keeps laundered articles clean; and
- (c) Clean all work surfaces at regular intervals. Work surfaces include all surfaces in rooms where laundry is exposed to open air, including but not limited to laundry equipment, work stations, and floors, whether or not it is expected that laundry will come into direct contact with such surfaces.

2. No industrial laundry [licensee] *operator* may represent that laundry services have been provided when such laundry services in fact have not been provided.

3. Each industrial laundry [licensee] *operator* shall develop procedures for complying with the minimum standards of cleanliness and hygiene set forth in paragraph 1 of this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services are processed.

b. Functional separation of laundered and unlaundered laundry. 1. In addition to complying with section [20-297.5] 20-297.2, each industrial laundry [licensee] *operator* and industrial laundry delivery [licensee] *operator* shall maintain functional separation of laundered and unlaundered laundry in accordance with the following requirements:

(a) Each industrial laundry [licensee] *operator* and industrial laundry delivery [licensee] *operator* shall enclose laundry in suitable containers before and after laundering and shall not allow containers that hold unlaundered laundry to be subsequently used for laundered laundry without first having been thoroughly cleaned and sanitized; and

(b) Each industrial laundry [licensee] *operator* shall store laundered laundry and unlaundered laundry in separate, clearly marked areas of the facility when such laundry is not actively being processed.

2. Each industrial laundry [licensee] *operator* and industrial laundry delivery [licensee] *operator* shall develop procedures for maintaining functional separation of laundered and unlaundered laundry as required by this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services and industrial laundry delivery are provided.

§ 60. Section 20-297.7 of the administrative code of the city of New York, as added by local law number 87 for the year 2016, is renumbered section 20-297.4 and subdivision e of such section is amended to read as follows:

e. The commissioner shall [collect the written statements submitted by applicants in accordance with paragraphs 8 and 9 of subdivision b and paragraph 6 of subdivision c of section 20-297.3 solely for the purpose of providing such statements to the task force. Such statements, in addition to] *submit* information about the number and type of complaints regarding alleged violations of this subchapter received by the commissioner[, shall be submitted] to the task force [by the commissioner on or before June 15, 2018 and] on or before June 15 of every fifth year after 2018.

§ 61. For the purpose of providing statements to the advisory task force established to advise the council and the mayor on minimum standards of cleanliness and hygiene, procedures to maintain functional separation between laundered and unlaundered laundry and strategies for the enforcement of subchapter 14.1 of such code pursuant to section 20-297.7 of the administrative code of the city of New York, as such section is renumbered to section 20-297.4 by section sixty of the local law that added this section, the commissioner of consumer and worker protection shall collect any written statements submitted by a former applicant for a license to establish, maintain or operate an industrial laundry detailing such applicant's procedures for complying with the minimum standards of cleanliness and hygiene set forth in subdivision a of section 20-297.3 of such code, as well as any written statements submitted by a former applicant for a license to establish, maintain or operate a business that engages in industrial laundry or industrial laundry delivery detailing such applicant's procedures for maintaining functional separation of laundered and unlaundered laundry as required by subdivision b of section 20-297.3 of such code. The commissioner of consumer and worker protection shall submit such statements, in addition to information about the number and type of complaints regarding alleged violations of subchapter 14.1 of such code pursuant to subdivision e of section 20-297.4 of such code, on or before June 15, 2023.

§ 62. Subchapter 14.1 of chapter 2 of the title 20 of the administrative code of the city of New York is amended by adding a new section 20-297.5 to read as follows:

§ 20-297.5 *Penalties.* a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision a, b or e of section 20-297.2 of this subchapter, or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a, b or e of section 20-297.2 of this subchapter, or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of this section, there shall be no civil penalty imposed for a first-time violation of subdivision c of section 20-297.2 of this subchapter or any rule or regulation issued thereunder. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent violations of subdivision c of section 20-297.2 of this subchapter or any rule or regulation issued thereunder will result in the imposition of civil penalties in amounts designated for subsequent violations. A civil penalty for a first-time violation shall be imposed in the amount designated for a first-time violation and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, a first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a second-time violation shall be in the amount designated in this section for a first-time violation and the penalty for a third-time and each subsequent violation shall be in the amount designated in this section for a second-time violation.

§ 63. Subchapter 15 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-307.1 to read as follows:

§ 20-307.1 *Penalties.* Except as provided in subdivision c of section 20-106, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-304 or subdivision b of section 20-307 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-304 or subdivision b of section 20-307 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 64. Subchapter 16 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-319.1 to read as follows:

§ 20-319.1 *Penalties.* Except as provided in subdivision c of section 20-106, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second

violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-316 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-316 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 65. Section 20-332 of the administrative code of the city of New York, as added by local law number 153 for the year 2013, is amended to read as follows:

§ 20-332. *a. Except as provided in subdivision c of section 20-106, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of [not more than] one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for [each] the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1 or subdivision g of section 20-327.1 of this subchapter and any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1 or subdivision g of section 20-327.1 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

b. Notwithstanding any inconsistent provision of this section, there shall be no civil penalty imposed for a first-time violation of section 20-326 or paragraph 2 of subdivision b of section 20-327.1 of this subchapter or any rule or regulation issued thereunder. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent violations of section 20-326 or paragraph 2 of subdivision b of section 20-327.1 of this subchapter or any rule or regulation issued thereunder will result in the imposition of civil penalties in amounts designated for subsequent violations. A civil penalty for a first-time violation shall be imposed in the amount designated for a first-time violation and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, a first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a second-time violation shall be in the amount designated in this section for a first-time violation and the penalty for a third-time and each subsequent violation shall be in the amount designated in this section for a second-time violation.

§ 66. Section 20-348 of the administrative code of the city of New York is REPEALED.

§ 67. Subchapter 19 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-359 to read as follows:

§ 20-359 *Penalties. a. Except as provided in subdivision c of section 20-106, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second*

violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-346 of this subchapter or any rule or regulation issued thereunder by failing to conspicuously display a license upon the premises where a game is to be conducted at all times during the conduct thereof, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-346 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any other provision of this section, there shall be no civil penalty imposed for a first-time violation of section 20-349 of this subchapter or any rule or regulation issued thereunder. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent violations of section 20-349 of this subchapter or any rule or regulation issued thereunder will result in the imposition of civil penalties in amounts designated for subsequent violations. A civil penalty for a first-time violation shall be imposed in the amount designated for a first-time violation and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, a first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a second-time violation shall be in the amount designated in this section for a first-time violation and the penalty for a third-time and each subsequent violation shall be in the amount designated in this section for a second-time violation.

§ 68. Subchapter 24 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-415 to read as follows:

§ 20-415 Penalties. a. Except as provided in subdivision c of section 20-106, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed.

b. Notwithstanding subdivision a of this section, for a violation of subdivision 6 of section 20-417 or any rule promulgated pursuant thereto the civil penalty shall be: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) four hundred dollars for the third and any subsequent violation committed, except that a person shall not be subject to such civil penalty for a first-time violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation issued thereunder if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding subdivision a of this section, for a violation of subdivision 7 of section 20-417 or any rule promulgated pursuant thereto the civil penalty shall be five hundred dollars.

§ 69. Section 20-417 of the administrative code of the city of New York is amended by adding new subdivisions 6 and 7 to read as follows:

6. A licensee shall display in the area where electronic and home appliances are accepted for repair at each location of the licensee a sign that contains information as required by the commissioner. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this subdivision.

7. A licensee shall at all times carry insurance which in the opinion of the commissioner is adequate to protect the public. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this subdivision.

§ 70. Subdivision c of section 20-472 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows; and paragraph 1 of subdivision c of such section, as amended by local law number 40 for the year 1988, and paragraph 2 of subdivision c of such section, as amended by local law number 38 for the year 2013, are amended to read as follows:

1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter shall be liable for a civil penalty of [not less than] two hundred fifty dollars [nor more than one thousand dollars] together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated[.]; *except that a person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter by engaging in continued unlicensed activity as defined by the commissioner shall be liable for a civil penalty of one thousand dollars together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated.*

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-453, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of [not less than] twenty-five [nor more than fifty] dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] fifty dollars [nor more than one hundred dollars].

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] one hundred dollars [nor more than two hundred and fifty dollars].

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of [not more than five] *two hundred and fifty* dollars.

3. *Notwithstanding any inconsistent provision of this subdivision, there shall be no civil penalty imposed for a first-time violation of subdivision b of section 20-461 of this subchapter or any rule or regulation issued thereunder. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent violations of subdivision b of section 20-461 of this subchapter or any rule or regulation issued thereunder will result in the imposition of civil penalties in amounts designated for subsequent violations. A civil penalty for a first-time violation shall be imposed in the amount designated for a first-time violation and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, a first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a second-time violation shall be in the amount designated in this section for a first-time violation and the penalty for a third-time and each subsequent violation shall be in the amount designated in this section for a second-time violation.*

§ 71. Paragraph 3 of subdivision b of section 20-485.5 of the administrative code of the city of New York, as added by local law number 38 for the year 1992, is amended to read as follows:

3. Notwithstanding the provisions of section 20-485.6 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be those provided for violations of section 20-708 of this title[.]; *except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be*

deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 72. Section 20-485.6 of the administrative code of the city of New York, as added by local law number 38 for the year 1992, is amended by amending subdivision b and adding a new subdivision c to read as follows:

b. Notwithstanding the provisions of subdivisions a and b of section 20-106 *and except as provided in subdivision c of section 20-106 and paragraph 3 of subdivision b of section 20-485.5*, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of [not less than two hundred and fifty dollars nor more than two thousand dollars for each violation,] *one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation,* to be recovered in a civil action; *except that a person shall not be subject to such civil penalty for a first-time violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

c. *Notwithstanding any other provision of this section, there shall be no civil penalty imposed for a first-time violation of subdivision c of section 20-485.5 of this subchapter or any rule or regulation issued thereunder. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent violations of subdivision c of section 20-485.5 of this subchapter or any rule or regulation issued thereunder will result in the imposition of civil penalties in amounts designated for subsequent offences. A civil penalty for a first-time violation shall be imposed in the amount designated for a first-time violation and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, a first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a second-time violation shall be in the amount designated in this section for a first-time violation and the penalty for a third-time and each subsequent violation shall be in the amount designated in this section for a second-time violation.*

§ 73. Subdivision c of section 20-559 of the administrative code of the city of New York, as added by local law number 80 for the year 2016, is amended to read as follows:

c. In addition to the fines set forth in subdivisions a and b of this section, any person who violates, or causes another person to violate, any provision of this subchapter or any rules promulgated pursuant to such subchapter shall be subject to a civil penalty as follows:

1. for the first violation, a civil penalty of [not less than] \$25 [nor more than \$50];
2. for the second violation issued for the same offense within a period of two years of the date of the first violation, a civil penalty of [not less than] \$50 [nor more than \$100];
3. for the third violation within a period of two years of the date of the first violation, a civil penalty of [not less than] \$100 [nor more than \$250]; and

4. for the fourth and any subsequent violations within a period of two years of the date of the first violation, a civil penalty of [not more than \$500] \$250.

§ 74. Subdivisions b and c of section 20-574 of the administrative code of the city of New York are amended to read as follows:

[b. Punishment. Any person who shall violate any such rules and regulations shall be liable to forfeit and pay a civil penalty in the sum of not more than one hundred dollars for each violation.]

[c.] b. Violations. Any person who shall violate any of such rules and regulations shall be guilty of an offense triable by a judge of the New York city criminal court, and punishable by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars for each offense or by imprisonment not exceeding ten days, or by both.

§ 75. Section 20-593 of the administrative code of the city of New York is amended to read as follows:

§ 20-593 Punishment. Any person who shall violate any of the foregoing provisions for the regulation of weights and measures *or any rules or regulations promulgated by the commissioner thereunder* shall forfeit and pay a penalty of *fifty dollars for the first violation, seventy-five dollars for the second violation and one hundred dollars for the third and any subsequent violation* [each and every such offense]; *except that a person shall not be subject to such civil penalty for a first-time violation of section 20-595 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-595 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 76. Chapter 3 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-595 to read as follows:

§ 20-595 Labels and signage. *a. All information required by this chapter, or by rules and regulations promulgated thereunder, to appear on a container, as such term is used in this chapter and in any rules and regulations promulgated thereunder, shall be represented in the English language. A translation in any language other than English of such information may supplement the representation to provide fuller consumer information.*

b. Whenever it is required by law or rule that a scale, weighing or measuring device be provided for customer use, a prominent and conspicuous sign or poster shall be posted on or above the scale, weighing or measuring device stating that the device is for customer use and may be used to reweigh customer purchases, in language and in accordance with any other specifications that the commissioner shall set by rule.

§ 77. Section 20-670 of the administrative code of the city of New York is amended to read as follows:

§ 20-670 Sale of meat ground upon request by customer. *a. All meats purchased, whether prepackaged or cut to order, and then requested by customer to be ground on the premises, shall be ground in a meat grinder which shall be in clear and unobstructed view of the public.*

b. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this section.

§ 78. Section 20-671 of the administrative code of the city of New York is amended to read as follows:

Violations. *a. A violation of any of the provisions of this subchapter shall be punishable by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars for each offense, or by imprisonment not in excess of ten days, or both.*

b. In addition to the fines set forth in subdivision a of this section, a person who violates any provision of section 20-668 or section 20-669 or any rules promulgated thereunder shall be liable to forfeit and pay a civil penalty of: (i) three hundred seventy-five dollars for the first violation; (ii) four hundred fifty dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed.

c. In addition to the fines set forth in subdivision a of this section, a person who violates any provision of section 20-670 or any rules promulgated thereunder shall be liable to forfeit and pay a civil penalty in the sum of one hundred dollars.

§ 79. Section 20-672 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. Every gasoline or diesel motor fuel dispensing device that is not in proper working order shall be marked with a sign, placard or other display according to specifications that the commissioner shall set by rule.

§ 80. Paragraph 3 of subdivision a of section 20-674 of the administrative code of the city of New York, as added by local law number 31 for the year 1988, is amended to read as follows:

(3) In addition to the penalties prescribed by paragraph one of subdivision a of this section, any person who violates the provisions of this subchapter or any rules or regulations promulgated thereunder, other than sections 20-673.1 and 20-673.2 and any rules or regulations promulgated thereunder, shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars; *except that a person shall not be subject to such civil penalty for a first-time violation of section 20-672 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-672 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 81. Subdivision a of section 20-681 of the administrative code of the city of New York is amended to read as follows:

a. Any person who shall violate any of the provisions of this subchapter shall be liable to forfeit and pay a civil penalty in the sum of [not more than one hundred] *seventy-five* dollars for each violation.

§ 82. Section 20-683 of the administrative code of the city of New York is amended to read as follows:

§ 20-683 Punishment. Any person who shall violate any of the provisions of this subchapter shall be liable to forfeit and pay a civil penalty in the sum of [not more than] *three hundred dollars for the first violation, four hundred dollars for the second violation and five hundred dollars for [each violation] the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b of section 20-682 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-682 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 83. Section 20-688 of the administrative code of the city of New York is amended to read as follows:

§ 20-688 Penalties. Any person, firm, corporation or association or agent or employee thereof, who shall violate any of the provisions of this subchapter or of the regulations promulgated pursuant to section 20-686 shall pay a civil penalty of [not less than twenty-five] *one hundred* dollars for the first violation, *one hundred seventy-five* dollars for the second violation and [nor more than] two hundred [fifty] *twenty-five* dollars for [each violation] *the third and any subsequent violation*; and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars for each such violation.

§ 84. Section 20-690 of the administrative code of the city of New York, as added by local law number 29 for the year 1989, is amended to read as follows:

§ 20-690 Punishment. Any person who shall violate any of the provisions of this subchapter shall be liable to forfeit and pay a civil penalty in the sum of [not more than five] *four* hundred dollars for each violation.

§ 85. Subdivision a of section 20-692 of the administrative code of the city of New York, as added by local law number 94 for the year 1989, is amended to read as follows:

a. Any person who shall violate any of the provisions of subdivisions a or b of section 20-691 shall be subject to a civil penalty of [not less than one hundred] *fifty* dollars *for the first violation, one hundred dollars for the second violation and* [nor more than] one hundred fifty dollars for [each violation] *the third and any subsequent violation, except that a person shall not be subject to such civil penalty for a first-time violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 86. Subdivision a of section 20-703 of the administrative code of the city of New York is amended to read as follows:

a. 1. The violation of any provision of this subchapter or of any rule or regulation promulgated thereunder, shall be punishable upon proof thereof, by the payment of a civil penalty in the sum of [fifty] *one hundred fifty* dollars *for the first violation, two hundred fifty dollars for the second violation and* [to] three hundred and fifty dollars *for the third and any subsequent, to be recovered in a civil action; except that the civil penalty for violation of section 20-700 of this subchapter or any rule or regulation issued thereunder or any rule or regulation promulgated pursuant to section 20-702 by failing to comply with requirements for selling goods temporarily in short supply, violating the prohibition on price gouging or failing to meeting the requirements for the sale of box cutters shall be three hundred fifty dollars.*

2. Notwithstanding paragraph 1 of this subdivision, a person that violates section 20-700 of this subchapter or any rule or regulation issued thereunder or any rule or regulation promulgated pursuant to section 20-702 by *(i) charging tax on non-taxable items; (ii) failing to place weighing or measuring devices between a seller and consumer and such that the dials or faces are in full view of the consumer when a seller and consumer are on opposite sides of a counter; or (iii) accepting payment as a merchant through a credit card without conspicuously disclosing every limitation such merchant imposes on the use of such credit card or without posting such disclosure at or near every entrance to such merchant's business premises and in all of such merchant's advertising that indicates that credit cards are accepted shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of such violation of section 20-700 or any rule or regulation issued pursuant to section 20-702. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

3. Notwithstanding paragraph 1 of this subdivision, there shall be no civil penalty imposed for a first-time violation of section 20-700 of this subchapter, or of any rule or regulation issued thereunder or any rule or regulation promulgated pursuant to section 20-702, by a person failing to provide a consumer with a receipt for any retail purchase or failing to provide a consumer with a receipt according to specifications set by rule by the commissioner. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such

violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent such violations of section 20-700 of this subchapter or any rule or regulation issued thereunder or any rule or regulation promulgated pursuant to section 20-702 will result in the imposition of civil penalties in amounts designated for subsequent violations. A civil penalty for a first-time violation shall be imposed in the amount designated for a first-time violation and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, a first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a second-time violation shall be in the amount designated in paragraph 1 of this section for a first-time violation and the penalty for a third-time and each subsequent violation shall be in the amount designated in paragraph 1 of this section for a second-time violation.

§ 87. Subparagraph (a) of paragraph 2 of subdivision f of section 20-708.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2017, is amended to read as follows:

(a) upon inspection, up to \$25 for the first 20 violations and up to \$50 for each successive violation, total violations not to exceed \$2,000, except that a retail store shall not be subject to the civil penalty described above for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder if such retail store proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation or notices of violation and prior to the commencement of an adjudication of such notice or notices, that the violation or violations have been cured. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] *only if the department is satisfied by such proof that the violation has been cured.* The option of presenting proof that the violation or violations have been cured shall be offered as part of any settlement offer made by the department to a retail store that has received a notice of violation or notices of violation for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A retail store may seek review, in the department, of the determination that proof of a cure was not submitted within 15 days of receiving written notification of such determination.

§ 88. Section 20-711 of the administrative code of the city of New York, as amended by local law number 84 for the year 1991, is amended to read as follows:

§ 20-711 Penalties. Any person who shall violate the provisions of section 20-708 or section 20-709 hereof or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall pay a civil penalty of [not less than twenty-five] *fifty dollars for the first violation, one hundred and seventy-five dollars for the second violation and* [nor more than] two hundred fifty dollars for [each] *the third and each subsequent violation* and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars for each violation; *except that a person shall not be subject to such civil penalty for a first-time violation of section 20-708 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-708 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.* For the purposes of this section, each group of identical consumer commodities for which on any single day the total selling price or price per measure is not displayed in accordance with section 20-708 or section 20-709 or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall be considered a single violation.

§ 89. Section 20-715 of the administrative code of the city of New York, as amended by local law number 25 for the year 2003, is amended to read as follows:

§ 20-715 Penalties. Any person who shall violate the provisions of section 20-713, section 20-713.1, or regulations promulgated pursuant to this subchapter shall pay a civil penalty of [not less than two] *one* hundred [fifty] *seventy-five* dollars [nor more than five hundred dollars] for the first offense, [and for each succeeding offense a penalty of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation] *five hundred dollars for the second offense and seven hundred and fifty dollars for the third offense and each succeeding offense* and shall, upon conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars for the first offense and for each succeeding offense a fine of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with section 20-713 or regulations promulgated pursuant to this subchapter, or the required signage is not displayed in accordance with section 20-713.1 or regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 90. Section 20-722 of the administrative code of the city of New York is amended to read as follows:

§ 20-722 Penalties. Any person or agent or employee thereof who shall violate any provision of this subchapter or of the regulations promulgated pursuant thereto shall be subject to a civil penalty of [not less than] twenty-five dollars [nor more than two hundred fifty dollars] for each day in which a violation occurs, *except that there shall be no civil penalty imposed for a first-time violation of any provision of this subchapter or any rule or regulation issued thereunder. The department shall issue a warning letter with the notice of violation for such first-time violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violation and states that subsequent violations of section 20-708.2 of this subchapter or any rule or regulation issued thereunder will result in the imposition of civil penalties. A civil penalty for a first-time violation shall be imposed and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Such first-time violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations.*

§ 91. Section 20-728 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-728[.] Penalties. Violation of this subchapter or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of [not less than] twenty-five *dollars for the first violation, fifty dollars for the second violation and* [nor more than] one hundred dollars for [each violation] *the third and any subsequent violation*; except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] *only if the department is satisfied by such proof that the violation has been cured.* The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 92. Section 20-743 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-743[.] Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision (a) of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity

proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] *only if the department is satisfied by such proof that the violation has been cured*. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision [(a)] *a* of section 20-740 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person, partnership, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 93. Section 20-748 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-748[.] Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty [not to exceed two] *of one hundred fifty dollars*; except that a person shall not be subject to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder *or any rule or regulation promulgated under section 20-747*, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] *only if the department is satisfied by such proof that the violation has been cured*. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 94. Section 20-753 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-753[.] Penalties. Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty of [not less than] fifty dollars [and not more than two hundred and fifty dollars] for the first offense, [and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation;] *one hundred dollars for the second offense and two hundred and fifty dollars for the third offense and each succeeding offense*; except that a person shall not be subject to the civil penalty described above for a first-time violation of [subdivision c of] section 20-750 *or 20-751* of this subchapter or any rule or regulation promulgated thereunder *or any rule or regulation promulgated under section 20-753*, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] *only if the department is satisfied by such proof that the violation has been cured*. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of [subdivision c of] section 20-750 *or section 20-751* of this subchapter or any rule or regulation issued thereunder *or any rule or regulation promulgated under section 20-753*. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 95. Section 20-810 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-810[.] Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first

violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability [for all purposes] *only if the department is satisfied by such proof that the violation has been cured.* The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 96. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 24 to read as follows:

*SUBCHAPTER 24
CAR RENTALS*

§ 20-861 *Reservations.* A motor vehicle rental business that reserves vehicles for consumers shall conspicuously display a sign or notice on its business premises that informs consumers of their rights pertaining to such reservations. The commissioner shall set the rights pertaining to such reservations, and the form and content of such sign or notice, by rule.

§ 20-862 *Penalties.* Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred fifty dollars for the first violation; (ii) two hundred fifty dollars for the second violation committed; and (iii) three hundred fifty dollars for the third and any subsequent violation committed; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-861 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-861 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 97. Subdivision (d) of section 24-227, as added by local law number 153 for the year 2013, is amended to read as follows:

(d) [The commissioner may recommend to the board that there] *There shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, [he or shall recommend to the board that] there shall be no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section. Where the completion of appropriate permanent improvements or modifications and testing within 30 days after the issuance of the violation would cause the respondent undue hardship, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. Application for such additional time must be submitted to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents in support of the claim of undue hardship.*

§ 98. Paragraph (1) of subdivision (b) of section 24-231 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

(b) (1) [The commissioner may recommend to the board that there] *There* shall be no civil penalty imposed for a first violation of [this section] *subdivision (a) of this section or of any variance granted by the commissioner in accordance with subdivision (d) of this section* if, within 30 days after the issuance of such violation or, if applicable, within the time granted by the commissioner pursuant to paragraph two of this subdivision, the respondent admit liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, [he or she shall recommend to the board that] *there shall be* no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 99. Table I in paragraph (5) of subdivision (b) of section 24-257 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, row 24-218 (a) as added by and row 24-218 (a-1) as amended by local law number 72 for the year 2016, and rows 24-227 and 24-231 (a) as amended by local law number 153 for the year 2013, is amended by removing the rows beginning 24-218, 24-231 (b) and 24-231 (c); amending the rows beginning 24-218 (a-1), 24-227, 24-231 (a), 24-232, 24-237 (d), 24-238, 24-242 and 24-244; and adding rows beginning 24-218 (e), 24-231(d) and 24-238 (a), to read as follows:

| TABLE I | | | | | | |
|---|-----------------|------------|-------------------|------------|----------------------------------|--------------|
| Civil Penalties | | | | | | |
| Violations related to section and subdivision | First Violation | | Second Violation* | | Third and Subsequent Violations* | |
| | Maximum | Minimum] | Maximum] | Minimum] | Maximum] | Minimum] |
| 24-216 (d) | 2,625 | 650 | 5,250 | 1,300 | 7,875 | 1,950 |
| [24-218] | [1,000] | [350] | [2,000] | [700] | [3,000] | [1,050] |
| 24-218 (a) | 150 | 75 | 250 | 150 | 500 | 350 |
| 24-218 (a-1) | [1,000] 350 | 350 | [2,000] 700 | 700 | [3,000] 1,050 | 1,050 |
| <i>24-218 (e)</i> | <i>1,000</i> | <i>350</i> | <i>2,000</i> | <i>700</i> | <i>3,000</i> | <i>1,050</i> |
| 24-218.1 | 50 | 50 | 50 | 50 | 50 | 50 |
| 24-220 | 1,400 | 440 | 2,800 | 880 | 4,200 | 1,320 |
| 24-222 | 3,500 | 875 | 7,000 | 1,750 | 10,500 | 2,625 |
| 24-223 | 3,500 | 875 | 7,000 | 1,750 | 10,500 | 2,625 |
| 24-224 | 3,500 | 875 | 7,000 | 1,750 | 10,500 | 2,625 |
| 24-225 | 1,400 | 440 | 2,800 | 880 | 4,200 | 1,320 |

| | | | | | | |
|----------------------------|------------------|-----------|-------------------|-------|-------------------|---------|
| | 0 | | | | | |
| 24-226 | 1,400 | 440 | 2,800 | 880 | 4,200 | 1,320 |
| 24-227 | [875] 220 | [0] 220 | [1,750] 440 | 440 | [2,625] 660 | 660 |
| 24-228 | 1,400 | 440 | 2,800 | 880 | 4,200 | 1,320 |
| 24-229 | 1,400 | 440 | 2,800 | 880 | 4,200 | 1,320 |
| 24-230 | 1,400 | 440 | 2,800 | 880 | 4,200 | 1,320 |
| 24-231 (a) | [8,000] 2,000 | [0] 2,000 | [16,000] 4,000 | 4,000 | [24,000] 6,000 | 6,000 |
| [24-231 (b)] | [1,750] | [440] | [3,500] | [880] | [5,250] | [1,320] |
| [24-231 (c)] | [875] | [350] | [1,750] | [700] | [2,625] | [1,050] |
| 24-231 (d) | 560 | 560 | 1,120 | 1,120 | 1,680 | 1,680 |
| 24-232 | [1,400] 440 | 440 | [2,800] 880 | 880 | [4,200] 1,320 | 1,320 |
| 24-233 (a) | 175 | 50 | 350 | 100 | 525 | 150 |
| 24-233 (b)(1) | 175 | 50 | 350 | 100 | 525 | 150 |
| 24-233 (b)(2) | 350 | 100 | 700 | 200 | 1,050 | 300 |
| 24-234 | 175 | 50 | 350 | 100 | 525 | 150 |
| 24-235 | 175 | 50 | 350 | 100 | 525 | 150 |
| 24-236 (a) | 525 | 150 | 1,050 | 300 | 1,575 | 450 |
| 24-236 (b)(c) (d) | 1,440 | 440 | 2,800 | 880 | 4,200 | 1,320 |
| 24-237 (a) | 1,00 0 | 150 | 2,000 | 300 | 3,000 | 450 |
| 24-237 (b) | 875 | 220 | 1,750 | 440 | 2,625 | 660 |
| 24-237 (c) | 875 | 220 | 1,750 | 440 | 2,625 | 660 |
| 24-237 (d) | [1,000] 350 | 350 | [2,000] 700 | 700 | [3,000] 1,050 | 1,050 |
| 24-238 (a) | 220 | 220 | 440 | 440 | 660 | 660 |
| 24-238 (b) | 875 | 220 | 1,750 | 440 | 2,625 | 660 |
| 24-239 (b) | 350 | 100 | 700 | 200 | 1,050 | 300 |
| 24-241 | 1,40 0 | 440 | 2,800 | 880 | 4,200 | 1,320 |
| 24-242 | [875] 220 | 220 | [1,750] 440 | 440 | [2,625] 660 | 660 |
| 24-244 | [1,750] 440 | 440 | [3,500] 880 | 880 | [5,250] 1,320 | 1,320 |
| 24-245 | 2,62 5 | 660 | 5,250 | 1,320 | 7,875 | 1,980 |
| All remaining sections and | 875 | 220 | 1,750 | 440 | 2,625 | 660 |

| | | | | | | |
|--------------|--|--|--|--|--|--|
| subdivisions | | | | | | |
|--------------|--|--|--|--|--|--|

* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within two years).

§ 100. Subdivision (g) of section 24-257 of the administrative code of the city of New York, as added by local law 72 for the year 2016, is amended to read as follows:

(g) Notwithstanding the penalty amounts set forth in Table I in paragraph (5) of subdivision (b) of this section, the board may set default penalties that shall not exceed 400 percent of the penalty amount set for a violation of this chapter, except that the [The] default penalty imposed pursuant to subdivision (b) of this section for a violation of section [24-218(a)] subdivision (a) of section 24-218, as set forth in section 47-02 [3-115] of title 15 [48] of the rules of the city of New York or any successor provision, shall not exceed 150 percent of the scheduled penalty set forth therein.

§ 101. Section 24-257 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

(h) (1) Notwithstanding table I in paragraph 5 of subdivision (b) of this section, any owner, lessee or person in control of a commercial establishment or enterprise shall not be subject to a civil penalty for a first violation of section 24-232 or subdivision (a) of section 24-238 or any rules promulgated pursuant thereto if, within 30 days after the issuance of the notice of violation the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules showing that the violation has been cured. If the commissioner accepts such certification of compliance, no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations. Where the completion of such certification as prescribed in the rules of the department within 30 days would cause the respondent undue hardship, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent must submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents in support of the claim of undue hardship.

(2) Notwithstanding table I in paragraph 5 of subdivision (b) of this section and in addition to the cure periods set forth in paragraph (2) of this subdivision, a cure period is available for a first violation of subdivision (e) of section 24-218 as set forth in such subdivision, a first violation of section 24-227 as set forth in subdivision (d) of such section and a first violation of section 24-231 as set forth in paragraphs (1) and (2) of subdivision (b) of such section.

(3) Notwithstanding table I in paragraph 5 of subdivision (b) of this section, any owner, lessee or other person in control of a commercial establishment or enterprise shall not be subject to a civil penalty for a first violation of the provisions of this code set forth in subparagraphs (A) through (E) of this paragraph or any rules promulgated pursuant thereto, but the commissioner shall issue such owner, lessee or person a warning notice for such first violation that informs such owner, lessee or person of the nature of the violation, warns such owner, lessee or person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a first violation shall be imposed in the amount prescribed for a first violation in table I of paragraph 5 of this subdivision and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. For a second, third or subsequent violation of the provisions of this code set forth in subparagraphs (A) through (E) of this paragraph and any rules promulgated pursuant thereto, such owner, lessee or person shall be liable for a civil penalty in the amount prescribed for such violation in table I of paragraph 5 of subdivision (b) of this section. Such warning notice shall be available for violation by an owner, lessee or person in control of a commercial establishment or enterprise of the following provisions of this code or any rules promulgated pursuant thereto:

- (A) Subdivision (a-1) of section 24-218;*
- (B) Subdivision d of section 24-218.1;*
- (C) Subdivision (d) of section 24-237;*
- (D) Section 24-242; and*

(E) Section 24-244.

§ 102. Item 2 of section 28-202.1 of the administrative code of the city of New York, as amended by local law number 78 for the year 2017, is amended to read as follows:

2. For major violations, a civil penalty of not more than \$10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$250 for each month that the violation is not corrected. The commissioner may by rule establish such specified monthly penalties.

2.1. A person that commits a first-time violation of the provisions of this code, the zoning resolution of the city of New York, the building code of the city of New York or the rules of the city of New York as set forth in items 2.2.1 through 2.2.10 of this section shall not be subject to a civil penalty for such first-time violation if such person complies with the order of the commissioner to certify correction and the relevant filing requirements pursuant to section 28-204.2 within the applicable time period as provided in such section.

2.2. As described in item 2.1 of this section, no civil penalty shall be imposed upon correction of the following first-time major violations:

2.2.1. An outdoor sign on a display structure without a permit in violation of section 28-105.1, or violation of a corresponding rule promulgated by the department;

2.2.2. Failure to post, or post in accordance with the restrictions and prohibitions set forth in section 28-105.11, a building permit or a copy thereof for work at a work site in violation of section 28-105.11, or violation of a corresponding rule promulgated by the department;

2.2.3. An outdoor sign permit application contrary to the requirements of this code or the zoning resolution of the city of New York in violation of section 28-105.12.1, or violation of a corresponding rule promulgated by the department;

2.2.4. Failure to maintain a sign in accordance with the requirements of title 27, title 28, the zoning resolution of the city of New York, or the rules of the city of New York in violation of section 28-301.1, or violation of a corresponding rule promulgated by the department;

2.2.5. Failure by an owner of a boiler to file a complete boiler inspection report in violation of section 28-303.7, or violation of a corresponding rule promulgated by the department;

2.2.6. A sign in a commercial, or C, district exceeds surface area restrictions in violation of section 32-64 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

2.2.7. A sign in a specified commercial, or C, district projects across the street line limitation in violation of section 32-652 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

2.2.8. A sign displayed on an awning, canopy or marquee in a commercial, or C, district in violation of the restrictions set forth in section 32-653 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department.

2.2.9. Miscellaneous sign violation under the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department; and

2.2.10. Miscellaneous outdoor sign violation under the zoning resolution of the city of New York or the building code of the city of New York, or violation of a corresponding rule promulgated by the department.

§ 103. Sections three through thirteen of this local law take effect 120 days after they become law, except that the commissioner of sanitation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 104. Sections fourteen through twenty-eight of this local law take effect 120 days after they become law, except that the commissioner of health and mental hygiene and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 105. Sections twenty-nine through thirty-six of this local law take effect 120 days after they become law, except that the commissioner of transportation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 106. Sections one and thirty-seven through ninety-six of this local law take effect 120 days after they become law, except that the commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 107. Sections two and ninety-seven through one hundred and one of this local law take effect 120 days after they become law, except that the commissioner of environmental protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 108. Section one hundred and two of this local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Int. No. 2234

By Council Members Gjonaj, The Speaker (Council Member Johnson), Holden, Ayala, Gibson, Brannan and Rosenthal.

A Local Law in relation to requiring the waiver and refund of certain civil penalties, and allowing additional civil penalty relief, during the COVID-19 pandemic

Be it enacted by the Council as follows:

Section 1. Waiver and refund of certain sanitation-related civil penalties during a local state of emergency.
a. For purposes of this section, the term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, the commissioner of sanitation shall waive the requirement that any civil penalty, owed in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction number, be paid for violation of the following provisions of the administrative code of the city of New York or any rules promulgated pursuant thereto:

1. Section 10-119 by an owner, lessee or person in control of a commercial establishment;
2. Paragraphs 1, 2, 4 or 5 of subdivision b of section 10-169;

3. Subdivision b of section 16-116 by an owner, lessee or person in control of a commercial establishment;
4. Paragraph (a) of subdivision 2 or subdivision 3, 4, 6 or 7 of section 16-118 by an owner, lessee or person in control of a commercial establishment;
5. Section 16-120 by an owner, lessee or person in control of a commercial establishment, except for violation of paragraph (1) or (2) of subdivision e of such section;
6. Subdivision b or c of section 16-122 by an owner, lessee or person in control of a commercial establishment;
7. Subdivision a or b of section 16-123 by an owner, lessee or person in control of a commercial establishment;
8. Section 16-127 by an owner, lessee or person in control of a commercial establishment;
9. Section 16-306.1 by a covered establishment, as such term is defined in subdivision a of such section;
10. Subdivision g of section 16-308;
11. Section 16-329 by an owner, lessee or person in control of a food service establishment, mobile food commissary or store, as such terms are defined in subdivision a of such section, that is not part of a chain food service establishment or a chain store, as such terms are defined in subdivision a of such section;
12. Subdivision a of section 16-405 by a retailer, as such term is defined in subdivision e of section 16-403; and
13. Subdivision b or c of section 16-453 by an operator, as such term is defined in subdivision f of section 16-452.

c. The city shall issue a refund for any civil penalty already paid in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, for violations of the provisions of law identified in subdivision b of this section or any rules promulgated pursuant thereto.

d. The commissioner of sanitation and the chief administrative law judge of the office of administrative trials and hearings may promulgate any rules necessary to administer the provisions of this section.

§ 2. Additional civil penalty relief for certain sanitation violations during a local state of emergency. a. For purposes of this section, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Local state of emergency. The term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, from the effective date of this section through the date that executive order number 98 declaring a local state of emergency relating to COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires, relief from civil penalties imposed for the following violations shall be available as follows, in addition to the relief afforded by sections three through thirteen of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction:

1. For violation of section 10-119; paragraph (a) of subdivision 2 of section 16-118; or subdivision a or c of section 16-120 of the administrative code of the city of New York or any rules promulgated thereto by an owner, lessee or person in control of a commercial establishment, the civil penalty for a third and each subsequent offense committed within a 12-month period shall be mitigated to \$0 if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the offense at the hearing of such notice of violation. If such owner, lessee or person is unable to submit proof of having cured such offense at such hearing due to practical difficulty or unnecessary hardship as determined by the commissioner of sanitation, such owner, lessee or person shall have an additional 15 days after the date of such hearing to submit proof of having cured such offense in a form and manner satisfactory to the commissioner of sanitation and the environmental control board.

2. For violation of subdivision 3, 4, 6 or 7 of section 16-118 or subdivision b or d of section 16-120 of the administrative code of the city of New York or any rules promulgated thereto by an owner, lessee or person in control of a commercial establishment, there shall be no civil penalty imposed for a second or third offense committed within a 12-month period, but the commissioner of sanitation shall issue a warning notice to such

owner, lessee or person for such second or third offense that informs such owner, lessee or person of the nature of the offense, warns such owner, lessee, or person that the law authorizes civil penalties for the offense and states that subsequent offenses will result in the imposition of such penalties in amounts designated for subsequent offenses. A civil penalty for a second offense shall be imposed in the amount of \$50 and a civil penalty for a third offense shall be imposed in the amount of \$250 and no such warning notice shall be required where the subject offense is alleged to be an intentional offense. Such owner, lessee or person violating such provisions or any rules promulgated pursuant thereto shall be liable for a civil penalty of \$50 for a fourth offense within any 12-month period and \$250 for each subsequent offense within any 12-month period.

3. For violation of paragraph 1, 2, 4 or 5 of subdivision b of section 10-169 of the administrative code of the city of New York or any rules promulgated thereto by any person, the civil penalty for a third and each subsequent offense committed within an 18-month period shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such person submits proof of having cured the offense at the hearing of such notice of violation. If such person is unable to submit proof of having cured such offense at such hearing due to practical difficulty or unnecessary hardship as determined by the commissioner of sanitation, such person shall have an additional 15 days after the date of such hearing to submit proof of having cured such offense in a form and manner satisfactory to the commissioner of sanitation and the environmental control board.

4. For violation of subdivision b of section 16-116 or subdivision b or c of section 16-122 of the administrative code of the city of New York or any rules promulgated thereto by any owner, lessee or person in control of a commercial establishment, the civil penalty for a third and each subsequent offense shall be mitigated to \$0 if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the offense at the hearing of such notice of violation. If such owner, lessee or person is unable to submit proof of having cured such offense at such hearing due to practical difficulty or unnecessary hardship as determined by the commissioner of sanitation, such owner, lessee or person shall have an additional 15 days after the date of such hearing to submit proof of having cured such offense in a form and manner satisfactory to the commissioner of sanitation and the environmental control board.

5. For violation of section 16-127 of the administrative code of the city of New York or any rules promulgated thereto by any owner, lessee or person in control of a commercial establishment, such owner, lessee or person shall have 10 days after a written or printed notice shall have been served by the commissioner of sanitation or a duly designated representative on such owner, lessee or person personally or shall have been left at the place of residence of such owner, lessee or person in the city of New York to cause such earth, rocks, rubbish or other thing to be removed and cleaned from such sidewalk or roadway. If such owner, lessee or person does not reside in the city of New York and such notice shall not be personally served, then such owner, lessee or person shall have 30 days after such notice to be sent by mail, addressed to such owner, lessee or person or their place of residence, or, when such residence is unknown to the commissioner of sanitation, 30 days after such notice shall have been posted in a conspicuous place on such premises, to cause such earth, rocks, rubbish or other thing to be removed and cleaned from such sidewalk or roadway. If such owner, lessee or person is unable to cause such removal or cleaning within either 10 or 30 days, as relevant, due to practical difficulty or unnecessary hardship as determined by the commissioner of sanitation, such owner, lessee or person shall have an additional 5 days from the expiration of the 10- or 30-day period, as relevant, to cause such removal or cleaning.

6. For violation of subdivision g of section 16-308 of the administrative code of the city of New York or any rules promulgated thereto by a person engaged in a business that generates yard waste, there shall be no civil penalty imposed for a second or third offense committed within a 12-month period, but the commissioner of sanitation shall issue a warning notice to such person for such second or third offense that informs such person of the nature of the offense, warns such person that the law authorizes civil penalties for the offense and states that subsequent offenses will result in the imposition of such penalties in amounts designated for subsequent offenses. A civil penalty for a second offense shall be imposed in the amount of \$250 and a civil penalty for a third offense shall be imposed in the amount of \$500 and no such warning notice shall be required where the subject offense is alleged to be an intentional offense. Such person shall be liable for a civil

penalty of \$250 for the fourth offense committed within a twelve-month period and \$500 for each subsequent offense committed within a 12-month period.

7. For violation of paragraph 1 of subdivision a of section 16-405 relating to signage or paragraph 3 of subdivision a section 16-405 of the administrative code of the city of New York or any rules promulgated thereto by a retailer, as such term is defined in subdivision e of section 16-403, the civil penalty for a third and each subsequent offense committed within 12 months of a prior violation shall be mitigated to \$0 if, on or before the initial return date stated on the notice of violation, such retailer submits proof of having cured the offense at the hearing of such notice of violation. If such retailer is unable to submit proof of having cured such offense at such hearing due to practical difficulty or unnecessary hardship as determined by the commissioner of sanitation, such retailer shall have an additional 15 days after the date of such hearing to submit proof of having cured such offense in a form and manner satisfactory to the commissioner of sanitation and the environmental control board.

8. For violation of paragraph 2 of subdivision a of section 16-405 of the administrative code of the city of New York or any rules promulgated thereto by a retailer, as such term is defined in subdivision e of section 16-403, there shall be no civil penalty imposed for a second or third offense committed within 12 months of a prior offense, but the commissioner of sanitation shall issue a warning notice to such retailer for such second or third offense that informs such retailer of the nature of the offense, warns such retailer that the law authorizes civil penalties for the offenses and states that subsequent offenses will result in the imposition of such penalties in amounts designated for subsequent offenses. A civil penalty for a second offense shall be imposed in the amount of \$200 and a civil penalty for a third offense shall be imposed in the amount of \$400 and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such person shall be liable for a civil penalty of \$200 for the fourth offense committed within a 12-month period and \$400 for each subsequent violation committed within a 12-month period.

9. For violation of subdivision b of section 16-453 of the administrative code of the city of New York or any rules promulgated thereto by an operator, as such term is defined in subdivision f of section 16-452, there shall be no civil penalty imposed for a second or third offense committed within a 12-month period, but the commissioner of sanitation shall issue a warning notice to such operator for such second or third offense that informs such operator of the nature of the offense, warns such operator that the law authorizes civil penalties for the offenses and states that subsequent offenses will result in the imposition of such penalties in amounts designated for subsequent offenses. A civil penalty for a second offense shall be imposed in the amount of \$100 and a civil penalty for a third offense shall be imposed in the amount of \$250 and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Such person shall be liable for a civil penalty of \$100 for the fourth offense committed within a 12-month period and \$250 for each subsequent violation committed within a 12-month period.

10. For violation of subdivision c of section 16-453 of the administrative code of the city of New York or any rules promulgated thereto by an operator, as such term is defined in subdivision f of section 16-452, the civil penalty for a third and each subsequent offense within twelve months of the date the report referred to in subdivision c of section 16-453 is due shall be mitigated to \$0 if, on or before the initial return date stated on the notice of violation, such operator submits proof of having cured the offense at the hearing of such notice of violation. If such operator is unable to submit proof of having cured such offense at such hearing due to practical difficulty or unnecessary hardship as determined by the commissioner of sanitation, such operator shall have an additional 15 days after the date of such hearing to submit proof of having cured such offense in a form and manner satisfactory to the commissioner of sanitation and the environmental control board.

§ 3. Table denoting temporary relief from certain health-related penalties during a local state of emergency. a. For purposes of this section, the term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. The provisions of title 17 of the administrative code of the city of New York identified in the table presented in this subdivision and all rules promulgated pursuant to such provisions, as well as any other provisions of the rules of the city of New York and the health code of the city of New York identified in such table, are subject to relief from civil penalties as set forth in this section and sections four and five of the local law that added this section, in addition to any relief afforded by sections fifteen through twenty-eight of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction.

| TABLE OF TEMPORARY RELIEF FROM CIVIL PENALTIES | | |
|---|----------------|-----------------|
| Provisions of Title 17 | Penalty Waiver | Additional Cure |
| Section 17-192 | X | X |
| Section 17-199.11 | X | X |
| Subchapter 2 of chapter 3 of title 17, other than 17-307(a), (b), (c) | X | |
| Section 17-311 | X | X |
| Section 17-315(a), (b) | X | X |
| Section 17-377(b) | X | X |
| Section 17-507(b) by failing to comply with section 17-504(f) through failure to post a smoking and electronic cigarette use policy | X | |
| Section 17-1303 | X | X |
| Section 17-1507(a) | X | X |
| Section 17-1508(a) | X | X |
| All provisions in chapter 1 or chapter 15 of title 17, or any rules promulgated by the department of health and mental hygiene or other provisions of the health code of the city of New York, pertaining to failure to post a sign, poster, image, card or other required information, or by failure to display any permit, license or certification; except if, as determined by the department, such sign, poster, image, card or other required information is required to be posted in order to mitigate a risk of immediate death or serious injury to such general public or patrons | X | X |
| Section 17-1509 | X | X |
| Section 17-1703(c) | X | X |

c. Notwithstanding any inconsistent provision of law or rule, any temporary relief from civil penalties, as set forth in the table presented in subdivision b of this section and sections four and five of the local law that added this section, imposed in connection with a violation of subdivision c of section 17-192, section 17-1508 or section 17-1509 of the administrative code of the city of New York, as such provisions were added by sections fifteen, twenty-six and twenty-seven, respectively, of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, applies to civil penalties imposed in connection with notices of violation issued for violation of any rules of the city of New York pertaining to the requirements, prohibitions or both set forth in such provisions.

d. 1. The relettering of subdivision c of section 17-192 of the administrative code of the city of New York to subdivision f pursuant to section fourteen of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, and the division of section 17-377 of such code into subdivisions a, b, c and d pursuant to section eighteen of such local law shall not end, prevent or otherwise interfere with the waiver, refund or both of any civil penalties imposed for violations of such section of such code as set forth in the table presented in subdivision b of this section and in section four of the local law that added this section.

2. For purposes of this section and section four of the local law that added this section, and prior to the effective date of section five of the local law that added this section, any reference in the table presented in subdivision b of this section to subdivision b of section 17-377 of the administrative code of the city of New York shall instead apply to the requirements imposed by section 17-377 of such code that a permit for operation of a pet shop, as such terms are defined in section 17-371 of such code, be placed in a clean, transparent cover or frame and displayed in such a manner as to be clearly visible to the public.

§ 4. Waiver and refund of certain health-related civil penalties during a local state of emergency.

a. For purposes of this section, the term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, the commissioner of health and mental hygiene shall waive the requirement that any civil penalty, imposed in connection with notices of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, be paid for violations of the provisions of the administrative code of the city of New York or other violations marked with an X under the column titled Penalty Waiver in the table presented in subdivision b of section three of the local law that added this section.

c. The city shall issue a refund for any civil penalty already paid in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, for violations of the provisions of the administrative code of the city of New York or other violations marked with an X under the column titled Penalty Waiver in the table presented in subdivision b of section three of the local law that added this section.

d. The commissioner of health and mental hygiene and the chief administrative law judge of the office of administrative trials and hearings may promulgate any rules necessary to administer the provisions of this section.

§ 5. Additional civil penalty relief for certain health-related violations during a local state of emergency. a. For purposes of this section, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Local state of emergency. The term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, from the effective date of this section through the date that executive order number 98 declaring a local state of emergency relating to COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires, relief from civil penalties imposed for the following violations shall be available as follows, in addition to the relief afforded by sections fifteen through twenty-seven of the local law that added this section. For violations of the provisions of the administrative code of the city of New York or other violations marked with an X under the column titled Additional Cure in the table presented in subdivision b of section three of the local law that added this section, there shall be no civil penalty for a second and each subsequent violation if such person proves to the satisfaction of the department of health and mental hygiene, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. If such person is unable to submit proof that the violation has been cured within such 7-day period due to practical difficulty or unnecessary hardship as determined by the commissioner of health and mental hygiene, such person shall have another 7 days after the date of such hearing and prior to the commencement of an adjudication of the violation to submit such proof to the satisfaction of the department of consumer and worker protection. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received a notice of violation of this section or any rules promulgated thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 6. Waiver and refund of certain transportation-related civil penalties during a local state of emergency. a. For purposes of this section, the term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, the commissioner of transportation shall waive the requirement that any civil penalty, imposed in connection with notices of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021

amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, be paid for violation of the following provisions of the administrative code of the city of New York or any rules promulgated pursuant thereto:

1. Violation of section 19-108;
2. Violation of section 19-123 by storing or placing a commercial refuse container within any area designated as no stopping, no standing, no parking anytime or authorized parking as prohibited by any rules promulgated pursuant thereto; by failing to post the name and address of the owner of a commercial refuse container and the permit number on a commercial refuse container in the manner provided in the rules of the department of transportation; and by failing to shield the street underneath a commercial refuse container by placing wooden planking, skids or other protective covering approved by the commissioner of transportation;
3. Violation of subdivision a, b or e of section 19-124;
4. Violation of subdivision a, c or d of section 19-125;
5. Violation of section 19-127;
6. Violation of paragraph 2 of subdivision c, subdivision d or paragraph 1 of subdivision e of section 19-128.1 by an owner or person in control of up to and including 99 newsracks; and
7. Violation of subdivision j of section 19-136.

c. Notwithstanding any inconsistent provision of law or rule, the commissioner of transportation shall also waive the requirement that any civil penalty, imposed in connection with notices of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, be paid for violation of any rules of the city of New York pertaining to the requirements, prohibitions or both set forth in subdivisions a and c of section 19-124.1 of the administrative code of the city of New York, as such section is added by section thirty-two of such local law.

d. The city shall issue a refund for any civil penalty already paid in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, for violations of the provisions of law identified in subdivision b of this section or any rules promulgated pursuant thereto and for violations of the provisions of the rules identified in subdivision c of this section.

e. The commissioner of transportation and the chief administrative law judge of the office of administrative trials and hearings may promulgate any rules necessary to administer the provisions of this section.

§ 7. Additional civil penalty relief for certain transportation violations during a local state of emergency. a. For purposes of this section, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Local state of emergency. The term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, from the effective date of this section through the date that executive order number 98 declaring a local state of emergency relating to COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires, relief from civil penalties imposed for the following violations shall be available as follows, in addition to the relief afforded by sections twenty-nine through thirty-six of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction. For any violation of section 19-108, subdivision b of section 19-123 by storing or placing a commercial refuse container within any area designated as no stopping, no standing, no parking anytime or authorized parking as prohibited by any rules promulgated pursuant thereto; subdivisions c or e of section 19-123; subdivision b or e of section 19-124; subdivision a or c of section 19-124.1 as such section was added by section thirty-two of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction; subdivision c or d of section 19-125; or

section 19-127 of the administrative code of the city of New York or any rules promulgated pursuant thereto by any person, there shall be no civil penalty for a second and each subsequent violation if such person proves to the satisfaction of the department of transportation, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. If such person is unable to submit proof that the violation has been cured within such 7-day period due to practical difficulty or unnecessary hardship as determined by the commissioner of transportation, such person shall have another 7 days after the date of such hearing and prior to the commencement of an adjudication of the violation to submit such proof to the satisfaction of the department of transportation. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received a notice of violation of this section or any rules promulgated thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 8. Table denoting temporary relief from certain consumer affairs-related penalties during a local state of emergency. a. For purposes of this section, the term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. The provisions of title 20 of the administrative code of the city of New York identified in the table presented in this subdivision, and all rules promulgated pursuant to such provisions, are subject to relief from civil penalties as set forth in this section and sections nine and ten of the local law that added this section, in addition to any relief afforded by sections thirty-seven through ninety-six of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction.

| TABLE OF TEMPORARY RELIEF FROM CIVIL PENALTIES | | | |
|--|----------------|-----------------|---|
| Provisions of Title 20 | Penalty Waiver | Additional Cure | No Penalty for Second or Third Violations |
| Chapter 1 | X | | |
| Section 20-104(d)(2) | X | X | |
| Subchapter 3 of chapter 2 | X | | |
| Section 20-214(a), (d) | X | X | |
| Section 20-214(c) | X | | X |
| Subchapter 4 of chapter 2 | X | | |
| Subchapter 6 of chapter 2 | X | X | |
| Subchapter 7 of chapter 2 | X | | |
| Section 20-233(b) | X | X | |
| Section 20-237(b) | X | X | |
| Subchapter 8 of chapter 2 | X | | |
| Subchapter 9 of chapter 2 | X | | |
| Section 20-254(a)(13), (14), (15) | X | X | |
| Section 20-255(d), (e) | X | X | |
| Section 20-265(b) | X | X | |
| Subchapter 11 of chapter 2 | X | | |
| Section 20-270 | X | X | |
| Section 20-271 | X | X | |
| Subchapter 12 of chapter 2 | X | | |
| Section 20-277.1(b), (d) | X | X | |
| Subchapter 13 of chapter 2 | X | | |
| Section 20-280 | X | | X |
| Section 20-282 | X | | X |

| | | | |
|---|---|---|---|
| Subchapter 14.1 of chapter 2 | X | | |
| Section 20-297.2(a), (b), (e) | X | X | |
| Section 20-297.2(c) | X | | X |
| Subchapter 15 of chapter 2 | X | | |
| Section 20-304 | X | X | |
| Section 20-307(b) | X | X | |
| Subchapter 16 of chapter 2 | X | | |
| Section 20-316 | X | X | |
| Subchapter 17 of chapter 2 | X | | |
| Section 20-324(b) | X | X | |
| Section 20-326 | X | | X |
| Section 20-327.1(b)(1), (g) | X | X | |
| Section 20-327.1(b)(2) | X | | X |
| Subchapter 19 of chapter 2 | X | | |
| Section 20-346 by failing to conspicuously display a license upon premises where bingo is to be conducted at all times during the conduct thereof | X | X | |
| Section 20-349 | X | | X |
| Subchapter 24 of chapter 2 | X | | |
| Section 20-417(6) | X | X | |
| Subchapter 27 of chapter 2 | X | | |
| Section 20-461(b) | X | | X |
| Subchapter 29 of chapter 2 | X | | |
| Section 20-485.5(a), (b) | X | X | |
| Section 20-485.5(c) | X | | X |
| Subchapter 34 of chapter 2 | X | | |
| Chapter 3 | X | | |
| Section 20-595 | X | X | |
| Section 20-670 | X | | |
| Section 20-672 | | X | |
| Subchapter 6 of chapter 4 | X | | |
| Subchapter 7 of chapter 4 | X | | |
| Section 20-682(b) | X | X | |
| Subchapter 8 of chapter 4 | X | | |
| Section 20-689 | X | | |
| Section 20-691 | X | X | |
| Subchapter 1 of chapter 5 | X | | |
| Section 20-700 by (i) charging tax on non-taxable items; (ii) failing to place weighing or measuring devices between a seller and consumer and such that the dials or faces are in full view of the buyer when a seller and consumer are on opposite sides of a counter; or (iii) merchant failing to provide credit card limitation disclosure | X | X | |
| Section 20-700 by failing to provide a consumer with a receipt for any retail purchase or failing to | X | | X |

| | | | |
|---|---|---|---|
| provide a consumer with a receipt according to specifications set by rule | | | |
| Section 20-708 | X | X | |
| Section 20-708.1(b) | | X | |
| Section 20-709 | X | | |
| Subchapter 3 of chapter 5 | X | | |
| Subchapter 4 of chapter 5 | X | | X |
| Subchapter 6 of chapter 5 | X | X | |
| Subchapter 10 of chapter 5 | X | | |
| Section 20-746 | X | X | |
| Subchapter 11 of chapter 5 | X | | |
| Section 20-750 | X | X | |
| Section 20-751 | X | X | |
| Subchapter 24 of chapter 5 | X | X | |

c. Notwithstanding any inconsistent provision of law or rule, any temporary relief from civil penalties, as set forth in the table presented in subdivision b of this section and sections nine and ten of the local law that added this section, imposed in connection with a violation of paragraph 2 of subdivision d of section 20-104, section 20-277.1, subdivisions 6 and 7 of section 20-417, section 20-595, subdivision g of section 20-672 or subchapter 24 of chapter 5 of title 20 of the administrative code of the city of New York, as such provisions were added by sections thirty-seven, fifty-four, sixty-nine, seventy-six, seventy-nine and ninety-six, respectively, of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, applies to civil penalties imposed in connection with notices of violation issued for violation of any rules of the city of New York pertaining to the requirements, prohibitions or both set forth in such provisions.

d. The repeal of sections 20-212 and 20-213 of the administrative code of the city of New York pursuant to section forty of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction; sections 20-297.2, 20-297.3 and 20-297.4 of such code pursuant to section fifty-seven of such local law; section 20-348 of such code pursuant to section sixty-six of such local law; and subchapter 4 of chapter 2 of title 20 of such code pursuant to section sixty-nine of local law number 80 for the year 2020 shall not end, prevent or otherwise interfere with the waiver, refund or both of any civil penalties imposed for violations of such provisions of such administrative code as set forth in the table presented in subdivision b of this section and in section nine of the local law that added this section.

e. 1. The renumbering of section 20-214 of the administrative code of the city of New York to section 20-212; section 20-215 of such code to section 20-213; section 20-216 of such code to section 20-214; section 20-297.5 of such code to section 20-297.2, and the relettering of subdivisions e and f of such section to subdivisions d and e, respectively; section 20-297.6 of such code to section 20-297.3; and section 20-297.7 of such code to section 20-297.4, as such provisions were renumbered by sections forty-one, forty-two, forty-three, fifty-eight, fifty-nine and sixty, respectively, of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, shall not end, prevent or otherwise interfere with the waiver, refund or both of any civil penalties imposed for violations of such provisions of such code as set forth in the table presented in subdivision b of this section and in section nine of the local law that added this section.

2. For purposes of this section and section nine of the local law that added this section, and prior to the effective date of section ten of the local law that added this section, any reference in the table presented in subdivision b of this section to section 20-214 of the administrative code of the city of New York shall instead apply to section 20-216 of subchapter 3 of chapter 2 of title 20 of such code, any reference in such table to section 20-297.2 of such code shall instead apply to section 20-297.5 of such code, and any reference to subdivision e of section 20-297.2 of such code shall instead apply to subdivision f of section 20-297.5 of such code.

§ 9. Waiver and refund of certain consumer affairs-related civil penalties during a local state of emergency. a. For purposes of this section, the term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, the commissioner of consumer and worker protection shall waive the requirement that any civil penalty, imposed in connection with notices of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, be paid for violations of the provisions of the administrative code of the city of New York marked with an X under the column titled Penalty Waiver in the table presented in subdivision b of section eight of the local law that added this section.

c. The city shall issue a refund for any civil penalty already paid in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, for violations of the provisions of the administrative code of the city of New York marked with an X under the column titled Penalty Waiver in the table presented in subdivision b of section eight of the local law that added this section.

d. The commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings may promulgate any rules necessary to administer the provisions of this section.

§ 10. Additional civil penalty relief for certain consumer and worker protection-related violations during a local state of emergency. a. For purposes of this section, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Local state of emergency. The term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, from the effective date of this section through the date that executive order number 98 declaring a local state of emergency relating to COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires, relief from civil penalties imposed for the following violations shall be available as follows, in addition to any relief afforded by sections one and thirty-seven through ninety-six of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction:

1. For violations of the provisions of the administrative code of the city of New York marked with an X under the column titled Additional Cure in the table presented in subdivision b of section eight of the local law that added this section, there shall be no civil penalty for a second and each subsequent violation if such person proves to the satisfaction of the department of consumer and worker protection, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. If such person is unable to submit proof that the violation has been cured within such 30-day period due to practical difficulty or unnecessary hardship as determined by the commissioner of consumer and worker protection, such person shall have another 15 days after the date of such hearing and prior to the commencement of an adjudication of the violation to submit such proof to the satisfaction of the department of consumer and worker protection. The submission of proof of a cure shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received a notice of violation of this section or any rules promulgated thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

2. For violations of the provisions of the administrative code of the city of New York marked with an X under the column titled No Penalty for Second or Third Violations in the table presented in subdivision b of section eight of the local law that added this section, there shall be no civil penalty imposed for a second or third violation. The department shall issue a warning letter with the notice of violation for such second or third

violation that informs the respondent that the department believes the respondent has committed such violation, describes generally the allegedly illegal conditions or activities, warns the respondent that the law authorizes civil penalties for such violations and states that subsequent violations will result in the imposition of civil penalties in amounts designated for subsequent violations. A civil penalty for a second or third violation shall be imposed in the amount designated for a second or third violation, respectively, and no such warning letter shall be included with a notice of violation where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, such second or third violation shall serve as a predicate violation only for the purposes of determining whether a warning rather than a penalty is warranted, and shall not serve as a predicate violation for the purposes of imposing penalties for subsequent violations such that the penalty for a fourth violation shall be in the amount designated for a first violation and the penalty for each subsequent violation shall be in the amount designated for a second violation.

§ 11. Waiver and refund of certain noise control-related civil penalties during a local state of emergency.

a. For purposes of this section, the term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, the commissioner of environmental protection shall waive the requirement that any civil penalty owed in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, be paid for violation by any owner, lessee or person in control of a commercial establishment or enterprise of the following provisions of the administrative code of the city of New York or any rules promulgated pursuant thereto:

1. Subdivision c of section 10-108;
2. Subdivision (a-1) of section 24-218;
3. Subdivision d of section 24-218.1;
4. Section 24-227;
5. Subdivision (a) of section 24-231 or of any variance granted by the commissioner of environmental protection in accordance with subdivision (d) of such section;
6. Section 24-232;
7. Subdivision (d) of section 24-237;
8. Subdivision (a) of section 24-238;
9. Section 24-242; and
10. Section 24-244.

c. The city shall issue a refund for any civil penalty already paid in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, for violations of the provisions of law identified in subdivision b of this section or any rules promulgated pursuant thereto.

d. The commissioner of environmental protection and the chief administrative law judge of the office of administrative trials and hearings may promulgate any rules necessary to administer the provisions of this section.

§ 12. Additional civil penalty relief for certain noise control-related violations during a local state of emergency. a. For purposes of this section, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the department of environmental protection.

Local state of emergency. The term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, from the effective date of this section through the date that executive order number 98 declaring a local state of emergency relating to COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires, relief from civil penalties imposed for the following violations shall be available as follows, in addition to the

relief afforded by section two and nine-ty-seven through one hundred one of a local law for the year 2021 amending the administrative code of the city of New York, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction:

1. There shall be no civil penalty imposed for a second or third violation of subdivision c of section 10-108 of the administrative code of the city of New York or any rules promulgated pursuant thereto by any person who uses or operates any sound device or apparatus for commercial and business advertising purpose, but the police commissioner or commissioner of environmental protection shall issue a warning notice to such person for such second or third violation that informs such person of the nature of the violation, warns such person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a second or third violation shall be imposed in the amount prescribed for a second or third violation in paragraph 2 of subdivision j of section 10-108 of the administrative code of the city of New York and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, the penalty for a fourth and any subsequent violation shall be in the amount prescribed in paragraph 2 of subdivision j of section 10-108 of such code for a third and each subsequent violation, and for a fourth or subsequent violation within a period of 6 months the penalty shall be in the amount prescribed for such violation in such paragraph.

2. Notwithstanding table I in paragraph 5 of subdivision (b) of section 24-257 of the administrative code of the city of New York, any owner, lessee or person in control of a commercial establishment or enterprise shall not be subject to a civil penalty for a second or subsequent violation of the provisions of this code set forth in subparagraphs (a) through (d) of this paragraph or any rules promulgated pursuant thereto if, within 30 days after the issuance of the notice of violation the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules showing that the violation has been cured. If the commissioner of environmental protection accepts such certification of compliance, no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations. Where the completion of such certification as prescribed in the rules of the department within 30 days would cause the respondent undue hardship, the respondent may apply to the commissioner of environmental protection for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent must submit such application for additional time to the commissioner of environmental protection within 30 days after the issuance of the notice of violation along with an admission of liability and appropriate documents in support of the claim of undue hardship. Such cure period shall be available for violation by an owner, lessee or person in control of a commercial establishment or enterprise of the following provisions of the administrative code of the city of New York or any rules promulgated pursuant thereto:

(a) Section 24-227;

(b) Subdivision (a) of section 24-231 or of any variance granted by the commissioner of environmental protection in accordance with subdivision (d) of section 24-231;

(c) Section 24-232; and

(d) Subdivision (a) of section 24-238.

3. Any owner, lessee or other person in control of a commercial establishment or enterprise shall not be subject to a civil penalty for a second or third violation of the provisions of the administrative code of the city of New York set forth in subparagraphs (a) through (e) of this paragraph or any rules promulgated pursuant thereto, but the commissioner of environmental protection shall issue such owner, lessee or person a warning notice for such second or third violations that informs such owner, lessee or person of the nature of the violation, warns such owner, lessee or person that the law authorizes civil penalties for the violation and states that subsequent violations will result in the imposition of such penalties in amounts designated for subsequent violations. A civil penalty for a second or third violation shall be imposed in the amount prescribed for second and third violations in table I of paragraph 5 of subdivision b of section 24-257 of the administrative code of the city of New York and no such warning notice shall be required where the subject violation is alleged to be an intentional violation. Where the subject violation is not alleged to be an intentional violation, the penalty for a fourth and any subsequent violation shall be in the amount prescribed for third and subsequent violations in table I of paragraph 5 of subdivision (b) of section 24-257 of the administrative code of the city of New York.

Such warning notice shall be issued for violation by an owner, lessee or person in control of a commercial establishment or enterprise of the following provisions of the administrative code of the city of New York or any rules promulgated pursuant thereto:

- (a) Subdivision (a-1) of section 24-218;
- (b) Subdivision d of section 24-218.1;
- (c) Subdivision (d) of section 24-237;
- (d) Section 24-242; and
- (e) Section 24-244.

§ 13. Waiver and refund of certain buildings-related civil penalties during a local state of emergency. a. For purposes of this section, the following terms have the following meanings:

Code. The term “code” means the administrative code of the city of New York.

Department. The term “department” means the department of buildings of the city of New York.

Local state of emergency. The term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

Zoning resolution. The term “zoning resolution” means the zoning resolution of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, the commissioner of buildings shall waive the requirement that any civil penalty owed in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the code, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, be paid for the following violations by a person of certain provisions of the code, the zoning resolution, the building code of the city of New York or the rules of the city of New York:

1. An outdoor sign on a display structure without a permit in violation of section 28-105.1 of the code, or violation of a corresponding rule promulgated by the department;

2. Failure to post, or post in accordance with the restrictions and prohibitions set forth in section 28-105.11 of the code, a building permit or a copy thereof for work at a work site in violation of section 28-105.11 of the code, or violation of a corresponding rule promulgated by the department;

3. An outdoor sign permit application contrary to the requirements of the code or the zoning resolution in violation of section 28-105.12.1 of the code, or violation of a corresponding rule promulgated by the department;

4. Failure to maintain a sign in accordance with the requirements of title 27 of the code, title 28 of the code, the zoning resolution or the rules of the city of New York in violation of section 28-301.1 of the code, or violation of a corresponding rule promulgated by the department;

5. Failure by an owner of a boiler to file a complete boiler inspection report in violation of section 28-303.7 of the code, or violation of a corresponding rule promulgated by the department;

6. A sign in a commercial, or C, district exceeds surface area restrictions in violation of section 32-64 of the zoning resolution, or violation of a corresponding rule promulgated by the department;

7. A sign in specified commercial, or C, district projects across the street line limitation in violation of section 32-652 of the zoning resolution, or violation of a corresponding rule promulgated by the department;

8. A sign displayed on an awning, canopy or marquee in a commercial, or C, district in violation of the restrictions set forth in section 32-653 of the zoning resolution, or violation of a corresponding rule promulgated by the department.

9. Miscellaneous sign violation under the zoning resolution, or violation of a corresponding rule promulgated by the department; and

10. Miscellaneous outdoor sign violation under the zoning resolution or the building code of the city of New York, or violation of a corresponding rule promulgated by the department.

c. The city of New York shall issue a refund for any civil penalty already paid in connection with any notice of violation issued between March 12, 2020 through the day immediately preceding the effective date of a local law for the year 2021 amending the code, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction, for violations of the provisions of law or rule identified in subdivision b of this section or any rules promulgated pursuant thereto.

d. The commissioner of buildings and the chief administrative law judge of the office of administrative trials and hearings may promulgate any rules necessary to administer the provisions of this section.

§ 14. Additional civil penalty relief for certain buildings-related violations during a local state of emergency. a. For purposes of this section, the following terms have the following meanings:

Code. The term “code” means the administrative code of the city of New York.

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the department of buildings.

Local state of emergency. The term “local state of emergency” has the meaning ascribed to such term in subdivision a of section 10-171 of the administrative code of the city of New York.

Zoning resolution. The term “zoning resolution” means the zoning resolution of the city of New York.

b. Notwithstanding any inconsistent provision of law or rule, from the effective date of this section through the date that executive order number 98 declaring a local state of emergency relating to COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires, a person that commits the following second or subsequent violations of certain provisions of the code, zoning resolution, building code of the city of New York or rules of the city of New York shall not be subject to a civil penalty for such second or subsequent violation if such person complies with the order of the commissioner of buildings to certify correction and the relevant filing requirements pursuant to section 28-204.2 of the code within the applicable time period as provided in such section, in addition to the relief afforded by section one hundred two of a local law for the year 2021 amending the code, relating to adjusting penalties and allowing opportunities to cure for certain violations, as proposed in a preconsidered introduction:

1. An outdoor sign on a display structure without a permit in violation of section 28-105.1 of the code, or violation of a corresponding rule promulgated by the department;

2. Failure to post, or post in accordance with the restrictions and prohibitions set forth in section 28-105.11 of the code, a building permit or a copy thereof for work at a work site in violation of section 28-105.11 of the code, or violation of a corresponding rule promulgated by the department;

3. An outdoor sign permit application contrary to the requirements of the code or the zoning resolution in violation of section 28-105.12.1 of the code, or violation of a corresponding rule promulgated by the department;

4. Failure to maintain a sign in accordance with the requirements of title 27 of the code, title 28 of the code, the zoning resolution or the rules of the city of New York in violation of section 28-301.1 of the code, or violation of a corresponding rule promulgated by the department;

5. Failure by an owner of a boiler to file a complete boiler inspection report in violation of section 28-303.7 of the code, or violation of a corresponding rule promulgated by the department;

6. A sign in a commercial, or C, district exceeds surface area restrictions in violation of section 32-64 of the zoning resolution, or violation of a corresponding rule promulgated by the department;

7. A sign in specified commercial, or C, district projects across the street line limitation in violation of section 32-652 of the zoning resolution, or violation of a corresponding rule promulgated by the department;

8. A sign displayed on an awning, canopy or marquee in a commercial, or C, district in violation of the restrictions set forth in section 32-653 of the zoning resolution, or violation of a corresponding rule promulgated by the department.

9. Miscellaneous sign violation under the zoning resolution, or violation of a corresponding rule promulgated by the department; and

10. Miscellaneous outdoor sign violation under the zoning resolution or the building code of the city of New York, or violation of a corresponding rule promulgated by the department.

§ 15. Sections one, four, six, nine, eleven and thirteen of this local law take effect immediately and are retroactive to and deemed to have been in effect as of March 12, 2020.

§ 16. Section two of this local law takes effect 120 days after it becomes law, except that the commissioner of sanitation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date. Such section expires and is deemed repealed on the date that executive order number 98 declaring a local state of emergency relating to the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires.

§ 17. Sections three and eight of this local law take effect immediately and are retroactive to and deemed to have been in effect as of March 12, 2020, and expire and are deemed repealed on the date that executive order number 98 declaring a local state of emergency relating to the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires.

§ 18. Section five of this local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date. Such section expires and is deemed repealed on the date that executive order number 98 declaring a local state of emergency relating to the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires.

§ 19. Section seven of this local law takes effect 120 days after it becomes law, except that the commissioner of transportation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date. Such section expires and is deemed repealed on the date that executive order number 98 declaring a local state of emergency relating to the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires.

§ 20. Section ten of this local law takes effect 120 days after it becomes law, except that the commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date. Such section expires and is deemed repealed on the date that executive order number 98 declaring a local state of emergency relating to the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires.

§ 21. Section twelve of this local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date. Such section expires and is deemed repealed on the date that executive order number 98 declaring a local state of emergency relating to the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires.

§ 22. Section fourteen of this local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date. Such section expires and is deemed repealed on the date that executive order number 98 declaring a local state of emergency relating to the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or COVID-19, as issued by the mayor on March 12, 2020 and as extended thereafter, or any successive executive order, expires.

Referred to the Committee on Small Business.

Res. No. 1545

Resolution calling upon the New York State Liquor Authority to temporarily allow a business to seat patrons in front of an adjacent business, so long as the adjacent business has given permission.

By Council Members Holden and Powers.

Whereas, The COVID-19 pandemic has caused death and disruption across the world; and

Whereas, In New York City, the responses to the health crisis have been particularly grueling for the City's restaurant and bar industry; and

Whereas, The changing shut-down orders, issued by the Governor and Mayor, have plagued the industry, whose owners and operators are simply doing their best to survive these trying times; and

Whereas, Some businesses have not been able to make it through the pandemic; and

Whereas, At least 1,000 New York City restaurants have permanently closed since the start of the pandemic; and

Whereas, Those that are still open continue to struggle; and

Whereas, According to the Hospitality Alliance, 30 percent of the City's restaurants and bars were unable to pay any rent in October, and likely owe back rent for previous months; and

Whereas, At the State level, around two-thirds of the State's establishments will close by the end of the year if they do not receive some further financial aid from the government, according to a survey conducted in September by the New York State Restaurant Association; and

Whereas, Restaurants and bars have invested significant money, racking up debt and loans, trying to adapt to the changing polices over outdoor dining and alcohol sales; and

Whereas, For example, when outdoor dining was first permitted in the summer, restaurants spent money and time building outdoor seating that met the City's guidance, only to have the City change the requirements, forcing businesses to spend more time and money updating the new structures; and

Whereas, As the cooler weather moved in, the industry begged for guidance on outdoor heating rules, so that customers dining outside could be kept warm; and

Whereas, The Administration did finally provide new rules, in mid-October, by which time there was a shortage of outdoor heaters available on the market; and

Whereas, Against these challenges, restaurants and bars have had to adapt to changing capacity rules for indoor dining; curfews and early closing times; and specific rules if the business happens to fall into one of the COVID-19 cluster hot-spots; and

Whereas, Somehow, some restaurants and bars have managed to make it through, but there are still more opportunities for government to assist with this recovery; and

Whereas, For example, in the summer, the City established a program, called 'Open Streets', which closed various roads to traffic to allow pedestrian and business use of the space; and

Whereas, This was extended to allow restaurants to also use the roadway for outdoor dining; and

Whereas, Similarly, when outdoor dining resumed, Governor Cuomo, using his emergency executive powers, suspended the State's liquor licensing laws to allow licensed venues to sell alcohol for take-out and delivery during the COVID-19 crisis; and

Whereas, Given that around 30 percent of a restaurant's revenue typically comes from alcohol sales, and for bars, this percent is obviously much higher, this action by the Governor was vital; and

Whereas, Under these new rules, licensed establishments are also able to sell alcohol in their outdoor spaces; and

Whereas, While the outdoor dining changes have been readily received, not all establishments have access to outdoor space that meets the siting requirements; and

Whereas, Given that indoor dining has again been banned, finding access to adequate outdoor space is urgent for some establishments; and

Whereas, Therefore, the State Liquor Authority (SLA), should be working with such businesses to find creative solutions; and

Whereas, One suggestion is to allow licensed premises to utilize the outdoor space of an adjacent business, if that business provides permission; and

Whereas, At the present moment, the SLA guidance states that "a licensee may, for the duration that this Guidance remains in effect, use any contiguous outdoor, open-air part of its existing premises for which it has control by deed, lease, management agreement, or other agreement of control (e.g., a municipal sidewalk cafe permit)"; and

Whereas, This guidance does not extend to serving alcohol in the unused outdoor spaces of adjacent businesses and, as such, these spaces are left unused; and

Whereas, With empty storefronts haunting the City even before COVID-19 hit, allowing restaurants and bars to use these spaces seems like a commonsense plan; and

Whereas, In addition to giving a lifeline to a struggling restaurant or bar, this would revitalize unused space and contribute to the vibrancy of the community; and

Whereas, There is no doubting the positive impact this kind of outdoor commerce brings to a neighborhood; and

Whereas, In fact, the outdoor dining program, as it currently stands, has been so successful that it will now become a permanent feature in New York City; and

Whereas, To ensure that the City's restaurants and bars make it through the COVID-19 pandemic, and the associated economic devastation it has caused, policy makers need to continue to seek out creative solutions; now, therefore, be it

Resolved, That the New York State Liquor Authority temporarily allow a business to seat patrons in front of an adjacent business, so long as the adjacent business has given permission.

Referred to the Committee on Small Business.

Int. No. 2235

By Council Member Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring limited liability business entities to disclose managers, officers and owners on applications for certificates of occupancy and permits from the department of buildings

Be it enacted by the Council as follows:

Section 1. Section 28-118.4.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

28-118.4.1 Applicant. The application for a certificate of occupancy shall be made by or on behalf of the owner of the building or open lot; and if made by a person other than the owner, the application shall be accompanied by a signed statement of the applicant stating that the applicant is authorized by the owner to make the application. [The] *If the owner of the building or open lot is a natural person, the full names and addresses of the owner[,], and applicant[, and of the principal officers thereof, if a corporation,]* shall be stated in the application. *If the owner of the building or open lot is an entity other than a natural person, the name, physical address, e-mail address and telephone number of each manager and officer of such entity and of each person whose share of ownership of such entity exceeds five percent shall be stated in the application. Whenever an entity other than a natural person must be listed on the application under this section because it has a share of ownership that exceeds five percent, the name, physical address, e-mail address and telephone number of each manager and officer of such entity, and of each person whose share of ownership of such entity exceeds five percent shall also be stated in the application, such that all natural persons whose share of ownership in any entity required to be listed in the application exceeds five percent are disclosed. If the owner of the building or open lot is not a natural person, any change to the managers, officers or persons whose share of ownership exceeds five percent must be reported to the department within 30 days of such change. This provision is retroactive and applies to all applications for a certificate of occupancy that have been approved prior to the effective date of this provision, and applicants shall amend such previously approved applications to comply with this section by no later than December 31, 2024.*

§ 2. Section 28-202.1 of the administrative code of the city of New York is amended by adding a new item 11 to read as follows:

11. The maximum civil penalty for failure to update a change in applicant information pursuant to section 28-118.4.1 shall be \$2,500.

§ 3. Article 315 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-315.12 to read as follows:

§ 28-315.12 Disclosure of natural owners. *By December 31, 2024, each owner of a building or open lot that is an entity other than a natural person shall comply with the retroactive requirements of section 28-118.4.*

§ 4. Section 28-105.5 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-105.5 Application for permit. All applications for permits shall be submitted on forms furnished by the department. Applications shall include all information required by this code, other applicable law or the rules of the department. *The application shall include information regarding the ownership of the building, structure or open lot. If the owner of the building, structure or open lot is an entity other than a natural person, the name, physical address, e-mail address and telephone number of each manager and officer of such entity and of each person whose share of ownership of such entity exceeds five percent shall be stated in the application. Whenever an entity other than a natural person must be listed on the application under this section because it has a share of ownership that exceeds five percent, the name, physical address, e-mail address and telephone number of each manager and officer of such entity, and of each person whose share of ownership of such entity exceeds five percent shall also be stated in the application, such that all natural persons whose share of ownership in any entity required to be listed in the application exceeds five percent are disclosed. If the owner of the building, structure or open lot is not a natural person, any change to the managers, officers or persons whose share of ownership exceeds five percent must be reported to the department within 30 days of such change.* The applicant shall list any portions of the design that have been approved for deferred submittal in accordance with section 28-104.2.6. The application shall set forth an inspection program for the project. An application for a permit shall be submitted no later than 12 months after the approval of all required construction documents (other than those documents approved for deferred submittal). The department shall provide written notification to owners of adjoining property at the time such application is submitted.

§ 5. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Preconsidered Res. No. 1546

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the Standing Committees of the Council.

By Council Member Koslowitz:

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees and the Land Use Subcommittees.

STANDING COMMITTEES

CONTRACTS

Gennaro

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS

Gennaro

EDUCATION

Gennaro

ENVIRONMENTAL PROTECTION

Gennaro

FIRE AND EMERGENCY MANAGEMENT

Gennaro

MENTAL HEALTH, DISABILITIES AND ADDICTIONAyala**PARKS AND RECREATION**Gennaro**RESILIENCY AND WATERFRONTS**Gennaro**SANITATION AND SOLID WASTE MANAGEMENT**Gennaro**WOMEN AND GENDER EQUITY**

[Ayala]

Gennaro

Adopted by the Council (preconsidered and adopted by the Committee on Rules, Privileges and Elections).

Int. No. 2236

By Council Members Levine, Powers, Miller, Lander, Rivera, Kallos and Holden.

A Local Law in relation to the creation of a unified scheduling system for COVID-19 vaccinations

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the department of health and mental hygiene.

b. COVID-19 vaccination scheduling system. The department shall develop and maintain an online platform which operates as a unified scheduling system for COVID-19 vaccinations. Such platform shall be made available to the general public in all designated citywide languages, as defined by section 23-1101 and shall allow for the scheduling of COVID-19 vaccination appointments across all vaccination locations and providers located in the city of New York.

§ 2. This local law takes effect immediately and is deemed repealed 2 years after it becomes law.

Referred to the Committee on Health (preconsidered but laid over by the Committee on Health).

Preconsidered Res. No. 1547

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S2984/A1951, which would require New York Police Department officers to live within the five boroughs of New York City.

By Council Members Moya, Kallos and Constantinides.

Whereas, S2984/A1951, sponsored by State Senator Kevin Parker and Assembly Member Catalina Cruz, were introduced in the New York State Senate to establish a residency requirement for police officers in cities with a population of one million or more residents, which includes New York City; and

Whereas, S2984/A1951, if passed, would require newly hired New York Police Department (NYPD) officers to live within one of the five boroughs of New York City within a year of appointment; and

Whereas, According to the NYPD Patrol Guide, NYPD officers are currently allowed to live in the five boroughs or the counties of Nassau, Suffolk, Rockland, Westchester, Putnam, or Orange, unlike NYPD's own civilian staff and other City agency staff who are subject to a two year New York City residency requirement; and

Whereas, Data from the NYPD shows that a majority of uniformed officers—51%—currently live outside of New York City, which is a decline from 2016 when 58% of officers lived in New York City; and

Whereas, A city residency requirement for NYPD officers has the potential to improve community-police relations, with officers having more of a stake in the city they patrol, and would increase the likelihood New York City taxpayer dollars, which pay for officers' salaries, remain in the communities served by the NYPD; now therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S2984/A1951, which would require New York Police Department officers to live within the five boroughs of New York City.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered L.U. No. 731

By Council Member Dromm:

1045 Anderson Avenue HDFC, Block 2508, Lot 26; Bronx, Community District No. 4, Council District 8.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 732

By Council Member Dromm:

728 Driggs Avenue HDFC, Block 2406, Lot 26; Brooklyn, Community District No. 1, Council District 34.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 733

By Council Member Salamanca:

Application No. C 200029 ZMK (737 Fourth Avenue Rezoning) submitted by 737 Fourth Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, changing from an M1-1D District to an R8A District, establishing within the

proposed R8A District a C2-4 District, and establishing a Special Enhanced Commercial District (EC-1), Borough of Brooklyn, Community District 7, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 734

By Council Member Salamanca:

Application No. N 200030 ZRK (737 Fourth Avenue Rezoning) submitted by 737 Fourth Avenue, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, extending the boundary of Special Enhanced Commercial District 1 in Article XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 7, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 735

By Council Member Salamanca:

Application No. C 200178 ZMQ (91-32 63rd Drive Rezoning) submitted by 63-68 RWKOP, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, eliminating from within an existing R4 District a C2-2 District, changing from an R4 District to an R7A District, and establishing within the proposed R7A District a C2-3 District, Borough of Queens, Community District 6, Council District 29.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 736

By Council Member Salamanca:

Application No. N 200179 ZRQ (91-32 63rd Drive Rezoning) submitted by 63-68 RWKOP, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 6, Council District 29.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 737

By Council Member Salamanca:

Application No. C 200252 ZMQ (245-01 Jamaica Avenue Rezoning) submitted by Marino Plaza 63-12, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15c, eliminating from within an existing R4 District a C1-3 District and establishing within an existing R4 District a C2-3 District, Borough of Queens, Community District 13, Council District 23.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 738

By Council Member Salamanca:

Application No. N 210069 HNQ (Arverne East) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project for 40 parcels within the Arverne Urban Renewal Area, Borough of Queens, Community District 14, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 739

By Council Member Salamanca:

Application No. C 210070 ZMQ (Arverne East) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 31a, changing from a C4-4 District to an M1-4/R6 District and establishing a Special Mixed Use District (MX-21), Borough of Queens, Community District 14, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 740

By Council Member Salamanca:

Application No. N 210071 ZRQ (Arverne East) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York to amend Article XII, Chapter 3 (Special Mixed Use District) to establish Special Mixed Use District 21, Borough of Queens, Community District 14, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

L.U. No. 741

By Council Member Salamanca:

Application No. 20215016 HAM (Lower East Side Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law, requesting waiver of the designation requirements of General Municipal Law and the requirements of 197-c and 197-d of the Charter, approval of an Urban Development Action Area Project, and approval of an exemption from real property taxation, for property located at 406-08 East 10 Street (Block 379, Lot 12), 533 East 11 Street (Block 405, Lot 46), 656 East 12 Street (Block 394, Lot 37), Borough of Manhattan, Community District 3, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Monday, March 1, 2021

Committee on Hospitals Carlina Rivera, Chairperson
Oversight - Access to Language Services and Equitable Care in NYC Hospitals During COVID-19.
 Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Women and Gender Equity Darma V. Diaz, Chairperson
Oversight - Women.NYC
 Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Small Business Mark Gjonaj, Chairperson
Int 2233 - By Council Members Gibson, The Speaker (Council Member Johnson), Gjonaj and Holden - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to adjusting penalties and allowing opportunities to cure for certain violations.
Int 2234 - By Council Members Gjonaj and The Speaker (Council Member Johnson) - **A Local Law** in relation to requiring the waiver and refund of certain civil penalties, and allowing additional civil penalty relief, during the COVID-19 pandemic.
 Remote Hearing (Virtual Room 1).....1:00 p.m.

**New York City Council Budget and Oversight Hearings on
 The Preliminary Budget for Fiscal Year 2022
 The Preliminary Capital Commitment Plan for Fiscal Years 2021-2025 and
 The Fiscal 2021 Preliminary Mayor’s Management Report**

**Tuesday, March 2, 2021
 Remote Hearing (Virtual Room 1)**

| | |
|-------------------|--|
| 10:00 a.m. | Finance Committee jointly with the Subcommittee on Capital Budget |
| 10:00 a.m. | Office of Management and Budget |
| 12:00 p.m. | Finance Committee jointly with the Committee on Contracts and the Subcommittee on Capital |
| 12:00 p.m. | Office of Management and Budget |
| 12:30 p.m. | Finance Committee with the Subcommittee on Capital Budget |
| 12:30 p.m. | Comptroller |
| 1:15 p.m. | Independent Budget Office |
| 1:45 p.m. | Public |

Thursday March 4, 2021

Subcommittee on Zoning & Franchises Francisco Moya, Chairperson
See Land Use Calendar
 Remote Hearing (Virtual Room 1).....10:00 a.m.

Monday, March 8, 2021

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)
See Land Use Calendar

Kevin C. Riley, Chairperson

Remote Hearing (Virtual Room 1).....2:00 p.m.

Wednesday, March 10, 2021

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1)..... 11:00 a.m.

Tuesday March 16, 2021

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....10:00 a.m.

Monday, March 22, 2021

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)
See Land Use Calendar

Kevin C. Riley, Chairperson

Remote Hearing (Virtual Room 1).....2:00 p.m.

Tuesday, March 23, 2021

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1)..... 11:00 a.m.

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) welcomed newly sworn-in Council Member Gennaro back to the Council. He noted that Council Member Gennaro was known as an esteemed member of the body for many years during his previous tenure. He added that the Council and the 24th District were fortunate to have him as their representative once again.

The Speaker (Council Member Johnson) acknowledged that the city had witnessed a wave of attacks against Asians and Asian-Americans. He emphasized that the Asian community, or any of the city’s communities, cannot be allowed to live in fear or to be unfairly targeted. He described these attacks as senseless and heartless as well as an attack on our entire city and its values.

The Speaker (Council Member Johnson) acknowledged that February 26th marked the anniversary of the first terrorist attack on the World Trade Center. Six New Yorkers were killed and over one thousand people were injured as a result of the February 26, 1993 bombing.

The Speaker (Council Member Johnson) acknowledged that our Jewish friends and neighbors would be honoring the holiday of Purim later that evening. He wished a happy and joyous Purim to everyone who would be celebrating that night.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: A Stated Meeting was subsequently scheduled to be held on Thursday, March 18, 2021.

Editor's Local Law Note: Int. Nos. 374-A, 1592-A, and 1593-A, all adopted by the Council at the February 11, 2021 Stated Meeting, were signed into law by the Mayor on February 25, 2021 as, respectively, Local Law Nos. 15, 16, and 17 of 2021.

Editor's Note re: recent swearing-ins: James F. Gennaro was sworn-in on February 18, 2021 by the City Clerk and Clerk of the Council (Mr. McSweeney) as the new Council Member representing the 24th District in Queens. Kevin C. Riley was sworn-in on January 6, 2021 by the City Clerk and Clerk of the Council (Mr. McSweeney) as the new Council Member representing the 12th District in The Bronx.